



Appeal Decisions

Hearing Held on 15 October 2019

Site visit made on 15 October 2019

by Graham Dudley BA (Hons) Arch Dip Cons AA RIBA

an Inspector appointed by the Secretary of State

Decision date: 9 December 2019

Appeal A: APP/T0355/F/18/3219317

Former Blaizes, now Old Gunsbrook House, Twyford Road, Waltham St Lawrence RG10 0HE

- 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 and Mrs Bangs against a listed building enforcement notice issued by Council of the Royal Borough of Windsor and Maidenhead.
 - The enforcement notice, numbered 1, was issued on 22 November 2018.
 - The contravention of listed building control alleged in the notice is without listed Building consent:
 - Removal of a chimney stack and fireplace from the dining room;
 - The creation of new openings and fitting of windows in the west elevation in what is known as bedroom 3.
 - The reconfiguration of the projecting roof on the ground floor covering the dining room.
 - The requirements of the notice are set out in Annex A.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1)(e)(i) & (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Appeal B: APP/T0355/F/18/3219318

Former Blaizes, now Old Gunsbrook House, Twyford Road, Waltham St Lawrence RG10 0HE

- 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 and Mrs Bangs against a listed building enforcement notice issued by Council of the Royal Borough of Windsor and Maidenhead.
 - The enforcement notice, numbered 2, was issued on 22 November 2018.
 - The contravention of listed building control alleged in the notice is without listed building consent:
 - The removal of internal walls as detailed below:
 - The internal wall east of the sitting room which has been opened up to join the hallway,
 - The internal wall in the east of the dining room which has been opened up to join with the sitting room; and
 - The internal wall in the south of the dining room which has been opened up to join with the extended part of the reception hall;
 - Plastering of walls, ceilings and fireplaces;
 - Removal of the external wall on the first floor on the north elevation of the bathroom.
 - The requirements of the notice are set out in Annex A.
 - The period for compliance with the requirements is 12 months.
 - The appeal is made on the grounds set out in section 39(1) (b), (c), (e) & (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Appeal C: APP/T0355/F/18/3219319

Former Blaizes, now Old Gunsbrook House, Twyford Road, Waltham St Lawrence RG10 0HE

- 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 and Mrs Bangs against a listed building enforcement notice issued by Council of the Royal Borough of Windsor and Maidenhead.
 - The enforcement notice, numbered 3, was issued on 22 November 2018.
 - The contravention of listed building control alleged in the notice is without listed building consent:
 - New window opening in the south elevation of the room known as the kitchen on the ground floor;
 - New window opening involving the removal of part of exposed external timber frame in the room known as the dining room on the ground floor;
 - Removal of window and creation of a larger opening at the top of first half of dog leg stairs;
 - New window openings in the south and west elevations of the first floor in what is known as bedroom 2.
 - The requirements of the notice are set out in Annex A.
 - The period for compliance with the requirements is 12 months.
 - The appeal is made on the grounds set out in section 39(1) (e), (g) & (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decisions

Appeal A

1. It is directed that the listed building enforcement notice be varied by deleting requirement 2(c), replacing it with '(c) The wall shall be plastered with a lime based plaster'. Subject to this variation, the appeal is dismissed and the listed building enforcement notice is upheld, and 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.

Appeal B

2. It is directed that the listed building enforcement notice be corrected by deleting bullet one in allegation 1 (the internal wall east of the sitting room which has been opened up to join the hallway) and by deleting requirements 1(a) and 1(b). It shall be corrected by deleting allegation 3 and replacing it with 'removal of the clay tile hanging from the external face of the first floor wall on the north elevation of the bathroom'. Items (a) and (b) of requirement 3 shall be deleted. These shall be replaced with '(a) Replace the clay tile hanging on the external face of the first floor wall on the north elevation of the bathroom with tiling to match that removed'. Requirement (c) shall be amended by deleting 'Following compliance with Step 3(b)' and replacing with 'Following compliance with Step (a)'.
3. Subject to these corrections the appeal is dismissed and the listed building enforcement notice is upheld, and 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.

Appeal C

4. It is directed that the listed building enforcement notice be varied by deleting Steps 1(c), 2(e), 3(d) and 4(c). Replacing each 1(c), 2(e), 3(d) and 4(c) with the wall shall be plastered with a lime based plaster.
5. Subject to these variations, the appeal is dismissed and the listed building enforcement notice is upheld, and 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.

Reasons

6. The main issues relate to the various grounds of appeal for the 10 points of allegation raised in the three enforcement notices and are as follows:
 - What is the significance and special architectural and historic interest of the listed building.
 - Ground (b) – Whether the contravention alleged occurred.
 - Ground (c) – Whether the matters alleged are a contravention of the Act if they did occur, i.e. has it altered the building in any manner which would affect its character as a building of special architectural or historic interest.
 - Ground (e) – The effect of the works on significance and architectural and historic interest of the listed building and whether listed building consent should be granted for the works.
 - Ground (i) – Whether the steps required for the purpose of restoring the character of the building to its former state would serve that purpose.
 - Ground (g) – Whether the steps required exceed what is necessary for restoring the building to its condition before the works were carried out.
 - Whether there are any public benefits to be weighed against any harm found.

Policy Background

7. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires, when considering whether to grant listed building consent, that special regard should be given to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses.
8. The development plan includes the Royal Borough of Windsor and Maidenhead Local Plan [LP]. Policy LB2 reflects the Act, indicating that the Council will have special regard to the preservation of listed buildings and their setting when assessing proposals affecting Listed Buildings or their setting.
9. There is an emerging local plan [ELP] where Policy HE1 indicates that permission will not be given for works which would cause harm to the significance of a heritage asset without a clear justification to show that the public benefits of the proposal considerably outweigh any harm to the heritage asset. This generally reflects the Act and subsequent guidance in the National Planning Policy Framework.

Significance of the listed building

10. Old Gunsbrook House is a Grade II Listed Building. The house is irregular in plan, due to its long history of extension and alteration. The listing describes it as early C16 extended in the late C17 and C19 and altered, extended and restored in early C20.
11. The house is of two storeys in red brick with visible timber framing, which is structural in the older parts of the building and an applied façade treatment in some of the later parts. It has irregular fenestration, steep pitched red tile roofs and tall chimney stacks. The windows appear to be consistently late 19th or 20th century and are mainly leaded with diamond panes with oak frames.

Historical Development

12. The listed building is at its core a 16th century or earlier hall house. It is difficult to precisely date the building, but the oldest parts of the house are two timber framed elements probably from the 16/17th C and these are each rectangular of broadly the same size footprint. There is a central chimney which may have originally been a smoke bay, and the cross passage behind this could have led to an outdoor kitchen, where the well is located. The element to the north blocks a historic window to the southern section, suggesting this was once an external wall. Internally, the northern element has a framed newel staircase with twisted balusters, which from its design appears to be mid-late 17th century. The appellant notes that this suggests either that the northern element is a mid-late 17th century extension to the southern element, or that it was fitted into the pre-existing building at this time, or, equally, that is a much later insertion of a salvaged or new staircase to a 17th century pattern.
13. The house is shown on an 1815 enclosure map as having a further projection on its west side, for what is now the dining room, with bedroom 2 above. It is not known when this was built, but it is likely to be a 17th or 18th century addition. The external chimney breast on the south elevation of the kitchen is probably also a pre-19th century addition to the earliest elements of the house.
14. Between the 1815 enclosure map and the 1840 tithe map the footprint of the house does not appear to change. The 1875 map shows to the east side a two-storey extension that contains what is now the study and drawing room on the ground floor, and bedrooms 4 and 5 on the first floor. It is likely that it was built in the 1840s.
15. Various further, small extensions were added to the house by the time of the 1899 Ordnance Survey map. These include: the annexe for servants' accommodation on the north-east corner; the large window and entrance lobby leading to the reception hall; the bay window to the breakfast area; the single-storey extension to the dining room.
16. The significance and architectural and historic interest of the listed building relates to the age of the building with particular significance to the older parts, with the materials and detailing making an important contribution. However, that does not mean that the later alterations are not of considerable merit. The later additions in the arts and crafts style are of significant interest in themselves and the design, detailing and materials are complimentary to the older parts of the building. The whole forms a highly attractive and characterful building with the brick and timber framing, steep roof forms, clay tiles and

prominent chimneys all being important. The ratio of the windows/walling is also important the opening areas being clearly considerably less than the wall areas. Internally the plan form of the building, although changed through time, remains as a record of the building's historic development and remain important, as do the internal features and detailing.

Appeal A - Enforcement Notice 1

Removal of the chimney stack and fireplace from the dining room

Ground (e)

17. As noted above, the chimney stacks make an important contribution to the significance and special architectural and historic interest of the listed building. I accept that the listing did not identify the correct number of chimneys, but the list description's main purpose is to identify the building in question. The fact that something is or is not mentioned does not necessarily imply a particular interest to that item. So, because a chimney was missed does not mean that one of the chimneys can be removed without harm to the listed building, particularly as it would not be possible to understand from the listing which of the chimneys was missed and not important.
18. The chimney that has been removed was a prominent feature on the garden elevation of the building, making an important contribution to the character and appearance of the roofscape and building generally. I understand that the chimney was found to be in poor repair, but the evidence does not show it was not repairable and the appellants acknowledge there was no case for a ground (h) appeal. I therefore do not accept that a repair would not have been possible. I conclude that the loss of the chimney, in terms of historic material and to the character and appearance of the building, has caused harm to the significance and special architectural and historic interest of the listed building, that in terms of the National Planning Policy Framework would be termed as 'less than substantial' harm.
19. The existing fire surround has been removed and is now stored in a shed in the garden. The new fire surround, although appearing in some photographs to be of a significantly different size, following measurement at the site visit is confirmed to be of a fairly similar size. It is constructed in stone.
20. The appellant argues that the original surround was not repairable, it having a cement based coating on part, which was difficult to remove without further damage to the base. However, the fire surround appeared to be in reasonable, if repaired, condition. I accept that there are areas of surface damage, but that is not unusual in an old building. It cannot be expected that all fittings in a listed building are in perfect condition and flaws occurring through age are part of the special character and interest. Therefore, while there may be some surface damage that may be difficult to repair, there seems little evidence to suggest that it would not satisfactorily function or that complete replacement was required. I conclude that removal and replacement has harmed the significance and special architectural and historic interest of the listed building by removing historic fabric and is 'less than substantial' harm in terms of the Framework.
21. I shall consider the public benefits at the end of the decision.

Ground (i)

22. I note that the appellant has no intention of using the chimney and accept that there is nothing that can require its use. However, just because the appellants do not want to use the chimney does not mean that it should be decommissioned. That affects the significance and special architectural and historic interest of the building and it does not provide justification for not rebuilding the chimney. The appellant suggests that there is no benefit to the significance of the building. I disagree, to keep a functional item in a functional condition is important as the building is not to be seen as a 'stage set', but remains where reasonable a functioning example of its type and age. In this case it is reasonable to keep it as a working fireplace and chimney as it makes a contribution to the significance and special architectural and historic interest of the listed building. The appeal on ground (i) fails.

The creation of new openings and fitting of windows in the west elevation in bedroom 3

Ground (e)

23. The appellant notes that it is likely that this part was built around 17th-18th extension to the 16th – 17th century section. The appellant argues that it is likely that there were windows in this elevation in the position constructed prior to the dining room extension being constructed, its roof obscuring any lower windows at first floor level. The reason put forward is that the height of the windows that were removed above the beam would not have been a normal location and does not provide a good view from the window of the garden which would be historically important. The Council officer's report notes the original windows are likely to be fairly modern in date. The appellant also points to the western gable where there are two similar lower windows.
24. The evidence provided does not fully demonstrate that was the case, although I acknowledge that the arguments used are not unreasonable, but not sufficiently evidenced to justify the insertion of new windows. There has been the loss of some historic fabric that has caused some harm, albeit more limited given the age of the window removed. I have taken into consideration the high quality of the workmanship used in the construction of the new windows.
25. However, the real difficulty in considering whether to grant listed building consent for the windows or not is the dining room roof. This is an important feature of the building and as noted below is required to be replaced. Therefore, it is not possible to keep the two windows that have been inserted as they would be crossed by the roof. The possible history or the need for views out from the bedroom are not sufficient to overcome the harm that has been caused by the redesign of the dining room roof and loss of historic fabric. I consider public benefits below.
26. I conclude that removal and replacement of the windows has harmed the significance and special architectural and historic interest of the listed building by removing historic fabric and is 'less than substantial' harm in terms of the Framework.

Ground (i)

27. The appellants argue that the steps would not restore the character of the building to its former situation. The concern relates to the requirement for an

internal frame with laths. This would widen the wall and affect the proportions of the room. I accept that this was not previously in place and would cause the difficulties identified and is not justified. I shall therefore amend the steps accordingly. The appeal on ground (i) succeeds.

The reconfiguration of the projecting roof on the ground floor covering the dining room

Ground (e)

28. As indicated in relation to the significance of the listed building, the roofscape is a feature that makes a very important contribution to the significance and special architectural and historic interest of the listed building. While I note that this is a later addition, it is designed sympathetically to the original building with a traditional pitched roof covered with plain clay tiles. The roof as partly constructed, as well as its proposed arrangement when complete, with a lead flat roof covering, is and would be an alien and incongruous arrangement and has significant jarring impact when viewing the listed building from the garden. The truncated form causes harm to the significance and special architectural and historic interest of the listed building.
29. There has also been a loss of historic fabric from the listed building. While I note that the appellant indicates that some of the original timbers were rotten so needed replacement, photographs while indicating some damage do not indicate that removal of the whole of the upper part of the roof was necessary. I also accept that some of the original timbers have been retained in the lower parts of the roof, but the upper section timbers are all removed and this again has harmed the significance and special architectural and historic interest. I appreciate that these timbers are not as important as the older parts of the building, but they retain significance in relation to the later work and harm has been caused.
30. There were problems with the junction of the dining room roof with the framed wall behind. While that is not disputed, there is little to demonstrate that this could not have been repaired in a sympathetic way as this type of junction is not unusual with buildings of this type. Even if it were the case, there is no justification for the removal of the top part of the roof and the considerable harm that has caused to the character and appearance of the listed building. The appellant suggests that the roof will be finished with high quality workmanship and materials, but that is not sufficient to overcome the harm that has been caused by the change to the roof form. I consider public benefits below.
31. I conclude that the partial removal of roof timbers and rearrangement of the roof form has harmed the significance and special architectural and historic interest of the listed building by removing historic fabric and unacceptably affecting the building's character and is 'less than substantial' harm in terms of the Framework.

Appeal B – Enforcement Notice 2

Removal of the wall to the east of the sitting room which has been opened up to the hallway.

32. The Council now accepts that this was a modern stud partition and do not object to its removal. The allegation is withdrawn and I will direct that the notice is amended to this effect.

Removal of internal wall to the east of the dining room which has been opened up to join with the sitting room and the removal of the internal wall in the south of the dining room which has been opened up to join with the extended part of the reception hall.

Ground (e)

33. The dining room is integral to the early parts of the listed building, where the room layout/plan form remains an important part of the building's significance and special architectural and historic interest. While the appellant suggests the walls removed could be of a modern construction, given their location in the older part of the building that is unlikely. The formation of the openings has in all probability resulted in the removal of some historic fabric. The dining room also abuts with other historic parts of the building. The plan form, with division into rooms and smaller spaces, makes an important contribution to the building's character. I appreciate that in modern dwellings more open plan arrangements are sought, and there are advantages for the appellants. However, this is an old building and its plan form and character has been harmed by the changes.
34. Removing the wall to the side of the fireplace has also affected the sense of enclosure that is formed around the fireplace. The removal of the sections of walls has altered the dining room's appearance and opens it up to the kitchen area and sitting area and has unacceptably affected the significance and special architectural and historic interest of the listed building.

Plastering of the walls and ceilings and fireplaces

Ground (c)

35. The building was listed grade II in 1955. The appellant notes that there have been numerous internal refurbishment and modernisation schemes since the 1960s and lime-based plaster has been almost completely superseded by the use of cement, gypsum and plasterboard for internal plaster. I accept that large areas have been replaced and not all is recent. There are photographs, and inspection at site, which indicate that there are clearly large areas of wall where the 'modern' plaster predates the work of the appellant, but it is also clear that the appellant has used modern plaster during the refurbishment. I appreciate why the appellants would have followed on from previous work, but that does not make it correct and appropriate professional advice at the time would have been a benefit.
36. However, while the appellants are not responsible for having undertaken the previous repairs and refurbishment, the time scale identified for the change in the plaster dates from the 1960s and is clearly work that was undertaken to the building after it was listed. So unfortunately, whether the appellant was responsible for undertaking the previous work or not, the current owners are

responsible for putting unlawful works right. The previous unlawful repairs do not justify perpetuating harmful works.

37. The appellant acknowledges that lime-based plasters are the best practice treatment for historic buildings due primarily to breathability and flexibility. Modern plasters tend to be much too hard and brittle to flex and move, an important feature for a timber framed building and can break down in the presence of moisture, again an important factor where the walls are relatively thin and there is not cavity separation. Lack of breathability in particular can cause high moisture retention, which close to say the timber frame, can lead to premature deterioration of the historic fabric.
38. The appellant argues that the modern plaster has not led to deterioration of the building, but it is not always possible to see harm that is occurring behind plaster until it is too late and the lack of harm at present does not mitigate the harm of using the modern plaster.
39. I conclude that the old plasters have been replaced since the building was listed and the use of modern plastering techniques have altered the building in a manner that affects its character as a building of special architectural or historic interest. The appeal on ground (c) fails.

Ground (i)

40. I acknowledge that simply applying lime plaster over modern plasters would have no benefit. However, as noted above the modern material, although not applied by the appellants, is still unauthorised and needs to be replaced to restore the character of the building to its former state. The appeal on ground (i) fails.

Removal of the external wall on the first floor on the north elevation of the bathroom

Ground (b)

41. The Council agrees that there was not a brick wall in this position, and clearly as seen at the site visit the stud framing forming the wall remains in place. It was agreed that the allegation should be revised to removal of the clay tile hanging from the external face of the wall on the first floor north elevation of the bathroom, so the appeal on ground (b) succeeds.

Ground (i)

42. There was some debate about what should be replaced in terms of tiling or mathematical tiling. There is no physical evidence of what came off, but the owner notes it was tile hanging. There is similar tile hanging on the sides of the adjacent dormer window and this supports that recollection. I shall therefore modify the requirement to replacement of tile hanging. The parties agreed that there would be no conflict with natural justice in amending the notice in this way. The appeal on ground (i) succeeds.

Appeal C – Enforcement Notice 3

New window opening in the south elevation of the kitchen on the ground floor

Ground (e)

43. The insertion of the new window while being fitted in the existing timber framework, has removed historic fabric from the building and this has caused harm to the historic integrity of the building. The proportion of window opening to the solid parts of the frame/walling is an important part of the character of the building. The building historically had relatively small openings for windows and relatively few of them. I consider that this proportional relationship between the windows and walls is very important, even noting that the window arrangement was changed with some of the extensions and alterations, particularly at the time of the Arts and Crafts movement. The introduction of the new opening upsets the proportional relationship of window area to wall area and harms the significance and special architectural and historic interest of the listed building. I accept that the replacement windows are well designed, in hardwood with high quality glass, but that does not overcome the harm caused by removal of the historic fabric and effect on the character of the building by the introduction of the new opening.
44. I note the first floor window above and that the appellant is seeking other new windows to provide some symmetry to the elevation. However, to my mind the introduction of more windows is causing harm to the historic character of the building and the presence of the window above does not justify further windows below. Part of the character of the building is the 'random' placing of windows on the elevations.
45. I conclude that removal of historic fabric and insertion of the window and resulting change to the elevation has harmed the significance and special architectural and historic interest of the listed building and is 'less than substantial' harm in terms of the Framework.

Ground (g)

46. The appellants argue that the steps would not restore the character of the building to its former situation. The concern relates to the requirement for an internal frame with laths. This would widen the wall and affect the proportions of the room. I accept that this was not in place and would cause the difficulties identified and is not justified. I shall therefore amend the steps accordingly. The appeal on ground (g) succeeds.

New window opening involving the removal of part of the exposed external timber frame in the dining room on the ground floor

Ground (i)

47. The appellants argue that the steps would not restore the character of the building to its former situation. The concern relates to the requirement for an internal frame with laths, the finish required to the timber frame and flush jointing of the brickwork. The stud framing would widen the wall and affect the proportions of the room. I accept that this was not in place and would cause the difficulties identified and is not justified. I also accept that the paint finish proposed would be a better match to the existing finish to the frame. The

existing brickwork joints have a slight recess and again it would be better to match this. I shall therefore amend the steps accordingly. The appeal on ground (i) succeeds.

Removal of the window and creation of a larger opening at the top of the first half of the dog leg stair

Ground (i)

48. The appellant will replace the window to the original arrangement, but the appellant considers that the Council has not understood what the original arrangement below the window was. There was no brick wall, but a cupboard arrangement leading into the eaves of the roof beyond. I accept that this is the case and that it would not be appropriate to build a brick wall here. The appellant also notes that part of the timber frame was removed to complete these works and the notice does not specifically require reinstatement of this.
49. The appellant has proposed an alternative arrangement for the work. I accept that the Council was not aware of the original situation here, and that the steps proposed would not be appropriate. However, not knowing exactly what was there makes it impossible to judge whether what is proposed would be reasonable or acceptable. Clearly, the original window arrangement has to be reinstated. However, to my mind, further investigation is required in order to properly formulate the steps required to restore the character of the building back to its previous state. The best solution for this is to delete the steps associated with this part of the unlawful works, so the Council can serve a further notice after investigating the original arrangement with appropriate steps. The appeal on ground (i) succeeds.

New window opening in the south and west elevations of the first floor in bedroom 2

Ground (e)

50. When seen internally or externally the proportion of window opening to wall is important. The building tends to have much larger proportions of wall than window. The addition of each of the windows adds unacceptably to the proportion of the window openings, harming the character and historic arrangement of the room. All the windows together also have a considerable effect, opening up the room in a way never historically anticipated. Externally, each of the additional windows harms the character of the building, affecting the proportions of wall to window. Each window has also required the removal of historic fabric. As noted above, I have taken into consideration the high quality of the windows, but that does not overcome the harm that each of the new windows causes and individually as well as cumulatively they are not acceptable. I consider public benefits below.
51. I conclude that removal of historic fabric and insertion of each of the windows has harmed the significance and special architectural and historic interest of the listed building by removing historic fabric and the change to the elevation and is 'less than substantial' harm in terms of the Framework.

Ground (i)

52. The appellants argue that the steps would not restore the character of the building to its former situation. The concern relates to the requirement for an

internal frame with laths. This would widen the wall and affect the proportions of the room. I accept that this was not in place and would cause the difficulties identified and is not justified. I shall therefore amend the steps accordingly. The appeal on ground (i) succeeds.

Whether any benefits, including public benefits outweigh any harm found

53. I accept that the continued maintenance and occupation of the listed building, even without public access, is a public benefit, but given the quality of the listed building and its location it is highly unlikely that the building will not continue to be used and maintained for a residence, even if the appeals are refused. I therefore only attach moderate weight to this benefit.
54. I acknowledge that the appellants aim is to improve the building and that they have undertaken repairs and maintenance beyond what is considered here, and that they would like to carry out further works as detailed in the subsequent listed building application and I have taken these into consideration in the determination of these matters. I also note that part of the work involved the removal of a modern stud wall and this helps in relation to maintenance of the plan form and I add moderate weight in relation to that. I have also taken into consideration the benefit the owners would get from the changes they desired to improve the layout of the building.
55. However, with such a quality building, it is necessary to take care that repair does not turn into unacceptable restoration and alteration, as has occurred here. The works undertaken in relation to this appeal as described above have caused great harm to the significance and special architectural and historic interest of the listed building, each coming within the level of 'less than substantial' harm as categorised by the National Planning Policy Framework. I do not consider that the benefits identified anywhere near outweigh the harm of what has been done as identified in the various allegations, either individually or cumulatively, such that listed building consent should be granted, either individually or cumulatively, for the various grounds considered above. The appeals on ground (e) fail and listed building consent, do not accord with LP Policy LB2 or the emerging ELP HE1 and are refused.

Graham Dudley

Planning Inspector

APPEARANCES

FOR THE APPELLANT:

Tom Brooks BA (Hons) MA PE Dip IHBC	Iceni Projects
Giles Atkinson	Of Counsel
Colin Mantripp	Wood carver
Mr and Mrs Bangs	Appellants

FOR THE LOCAL PLANNING AUTHORITY:

Arron Hitchen	Royal Borough of Windsor and Maidenhead
Sarah Harper	Royal Borough of Windsor and Maidenhead
Victoria Goldberg	Royal Borough of Windsor and Maidenhead

DOCUMENTS

Document	1	Table summarising items
	2	Suggested changes to Enforcement Notice two
	3	Suggested changes to Enforcement Notice three
	4	Appellants' further statement
	5	Notice 2 – colour photographs
	6	Notice 1 – colour photographs

Annex A

Requirements.

Notice 1

(1) Chimney stack and fireplace

- a) Remove by hand the clay roof tiles that are covering the original location of the chimney, as identified on the appended picture marked as AJHI ;
- b) Remove by hand all other associated materials used to construct the roof following the demolition of the chimney stack;
- c) In the same location of the demolished chimney, using red stock bricks and a lime mortar, both that shall match the bricks and mortar used in the external west facing elevation of the bathroom, reconstruct the chimney stack from the top of the fireplace in the dining room, to match the dimensions of the existing chimney that flows upwards from the 'Study'. The height of the chimney shall be level with the ridge of the hipped roof that the chimney flows through as identified on the appended picture marked AJH2;
- d) Following compliance with step (c) reinstate the original chimney pots (as seen in the appended photograph marked AJH2(a) onto the top course of bricks and using a lime mortar mix of 3:1 sand and mortar, bond the pots to the bricks and create the flaunching as seen in the appended photograph marked AJH2(b).
- e) Following compliance with steps (a-d) reconstruct the surrounding single storey roof using oak common rafters. A breathable membrane shall be laid over the rafters and oak counter battens and tile battens shall be nailed into the rafters over the top of the membrane;
- f) Following the fixing of the breathable membrane, fit lead flashing in a style that shall match that which is found on the single storey extension to the kitchen;
- g) Following compliance with step (e) fit the clay tiles removed in step (a) to complete the roof with a resulting appearance to that identified in the appended pictures marked AJH3;
- h) Unblock the fireplace in the dining room and reinstall the original fireplace surround that is being stored on site.

(2) New openings and fitting of windows in the west elevation in what is known as bedroom 3

- a) Remove by hand the four windows and frames identified on the appended photograph marked AJH4. Remove all associated putty and/or foam used to fix the windows in place;

- b) Brick up the opening using red stock bricks in a stretcher bond with flush pointing using a lime mortar with a mix of 1:3 lime: sand ratio. The bricks should be of the same stock and be as close a match as possible to the immediately surrounding brick;
- c) Following compliance with steps (a-b) fit an oak or pine frame with oak or pine studs so as to fit the internal face of the newly constructed wall. The frame should be fixed in place with screws. Once in place, fit laths to the frame. The laths should be no more than 2.5cm wide and 6.4mm thick and these shall be hand driven and made from Oak. The laths shall be nailed horizontally in to place onto the studs with no more than 10 mm spacing between each lath. The internal section of the wall shall then be plastered in accordance with informative 1.

(3) The reconfiguration of the projecting roof on the ground floor covering the dining room

Following compliance with steps (1) and (2)

- a) Remove by hand all clay tiles, lead flashing and associated fixings that have been used to reconfigure the roof, as seen in in appended photograph marked AJH5 since the house was purchased;
- b) Remove by hand all rafters (as seen in in appended photograph marked AJH6) battens, insulation, membranes and associated fixings fitted since the house was purchased;
- c) Reconstruct the original roof over the dining room using oak common rafters and two hipped rafters to establish the hipped roof. The roof shall be finished with an apex that meets the first floor external wall directly below the middle casement window as identified in the picture marked AJH7 that shows how the roof shall look following compliance with Step 3. A bracket shall be used to fix the two hipped rafters on to the existing timber frame of the building;
- d) Following the construction of the rafters, a breathable membrane shall be laid over the rafters and oak counter battens. Oak or pine counter battens shall then be nailed into the rafters over the top of the membrane with horizontal tile battens fixed onto the counter battens;
- e) Following the fixing of the breathable membrane, fit lead flashing to match lead flashings removed (as seen in the appended photograph marked AJH2(b));
- f) Following compliance with steps (a-e) fix double-lap handmade red clay roof tiles that are 10" x 6" with nibs to allow them to be hooked onto the battens. Hand-made red clay half round ridge tiles shall then be fixed to the hip ridges using a bed of lime mortar

with a 1:4 lime to aggregate mix. These tiles shall match as closely as possible the hip ridge tiles on the single storey extension to the kitchen.

Notice 2

1) Removal of internal walls to create new openings

- a) Fit an oak or pine frame with timber studs that fully spans the height and width of the opening created by the removal of the internal wall in the east of the sitting room, that now joins with the hallway as identified on the appended plan marked AJHI and marked in yellow highlight;
- b) Following compliance with step (a) fit laths to the frame. The laths should be no more than 2.5cm wide and 6.4mm thick and these shall be hand driven and made from oak. The laths shall be nailed horizontally into place and onto the studs with no more than 10 mm spacing between each lath. The new frame and laths shall then be plastered in accordance with Informative I .
- c) Fit an oak or pine frame with timber studs that fully spans the height and width of the opening created by the removal of the internal wall in the east of the dining room which has now been opened up to join with the sitting room as identified on the appended plan marked AJHI and marked in yellow highlight;
- d) Following compliance with step (c) fit laths to the frame. The laths should be no more than 2.5cm wide and 6.4mm thick and these shall be hand driven and made from oak. The laths shall be nailed horizontally in to place onto the studs with no more than 10mm spacing between each lath. The new frame and laths shall then be plastered in accordance with informative 1.
- e) Fit an oak or pine frame with timber studs that fully spans the height and width of the opening created by the removal of the internal wall in the south of the dining room and has now been opened up to join with the extended part of the reception hall and identified on the appended plan marked AJHI and marked in yellow highlight;
- f) Following compliance with step (e) fit laths to the frame. The laths should be no more than 2.5cm wide and 6.4mm thick and these shall be hand driven and made from oak. The laths shall be nailed horizontally in to place onto the studs with no more than 10mm spacing between each lath. The new frame and laths shall then be plastered in accordance with Informative I.

2) Plastering of walls, ceilings and fireplaces

- a) Removal all gypsum plaster, by hand and using hand tools only, from all walls, ceilings and fireplaces identified in yellow highlighting on the appended plan marked AJH2;

- b) Following compliance with step 2(a) apply a lime plaster to all walls, ceilings and fireplaces as identified in yellow highlighting on the appended plan marked AJH2 and in accordance with Informative I.

3) Removal of external wall on the first floor of the bathroom

- a) Remove all foam insulation boards;
- b) Brick up the opening using red stock bricks in a stretcher bond with flush pointing using a lime mortar with a mix of 1:3 lime: sand ratio. The bricks should be of the same stock and be as close a match as possible to the immediately surrounding brick;
- c) Following compliance with step 3(b) fit laths to the existing internal studs. The laths should be no more than 2.5cm wide and 6.4mm thick and these shall be hand driven and made from oak. The laths shall be nailed horizontally into place and onto the studs with no more than 10mm spacing between each lath. The internal section of the wall shall then be plastered in accordance with Informative 1.

Notice 3

1. New opening and window —kitchen

- (a) Remove by hand the windows and frames identified on the appended plan marked AJHI in yellow highlighting, in the south east corner of the kitchen, and remove all associated putty and/or foam used to fix the window in place;
- (b) Brick up the opening using red stock bricks in a stretcher bond with flush pointing using a lime mortar with a mix of lime: sand ratio. The bricks should be of the same stock and be as close a match as possible to the immediately surrounding brick;
- (c) Following compliance with steps I(a-b), fit an oak or pine frame with timber studs to fit the internal face of the newly constructed wall. The frame shall be fixed into place with screws. Once in place, fit laths to the frame. The laths should be no more than 2.5cm wide and 6.4mm thick and these shall be hand driven and made from oak. The laths shall be nailed horizontally into place and onto the studs with no more than 10mm spacing between each lath. The internal section of the wall shall then be plastered in accordance with Informative 1.

2. New opening and window on the north elevation of the dining room

- (a) Remove by hand the window and frame identified on the appended plan marked AJHI in yellow highlighting, in the north elevation of the dining room. Remove all associated putty and/or foam used to fix the window in place;
- (b) Following compliance with step 2(a), from the existing brickwork upwards brick up 11 courses (following the same pattern of brick course as found in the photograph appended AJH2) of bricks using red stock bricks in a matching bond with flush pointing using a lime mortar with a mix of 1:3 lime: sand ratio. The bricks should be of the same stock and be as close a match as possible to the immediately surrounding brick. Evidence of the bricks immediately surrounding are found in the photograph appended AJH2;
- (c) Following compliance with step 2(b) insert an oak wall plate that is the same dimensions as the existing wall plate. The plate shall be fitted to the vertical timber using a 'Tenon and Mortise joint' and shall be fitted to the other vertical timber with angle brackets and plates. The plate shall be have a lime wash in charcoal applied;
- (d) Following compliance with step 2(c), from the new wall plate upwards brick up 9 courses of bricks using red stock bricks in a stretcher bond with flush pointing using a lime mortar with a mix of 1:3 lime: sand ratio. The bricks should be of the same stock and be as close a match as possible to the immediately surrounding brick;
- (e) Following compliance with steps 2(a-d), fit an oak or pine frame with timber studs to a size that will fit the internal face of the newly constructed wall. The frame shall be fixed in to place with screws. Once in place, fit laths to the frame. The laths should be no more than 2.5cm wide and 6.4mm thick and these shall be hand driven and made from oak. The laths shall be nailed horizontally into place and onto the studs with no more than 10 mm spacing between each lath. The internal section of the wall shall then be plastered in accordance with Informative 1.

3) **New opening and window top of stair west elevation**

- (a) Remove by hand the perspex plastic that is covering the opening and is identified in the appended photograph marked AJH3. Remove all associated fixings;
- (b) Brick up the opening to a height of 1.7m from the base of the opening, using red stock bricks in a stretcher bond with flush pointing using a lime mortar with a mix of 1:3 lime: sand ratio. The bricks should be of the same stock and be as close a match as possible to the immediately surrounding brick;

- (c) Fit an oak casement window flush against the building's timber frame into the remaining opening using lime putty to fix the window in place. The window and frame shall match the building's existing windows, and shall have diamond leaded lights and two casements;
 - (d) Following compliance with steps 3(a-c), fit an oak or pine frame with timber studs to fit the internal face of the newly constructed wall. The frame shall be fixed into place with screws. Once in place, fit laths to the frame. The laths should be no more than 2.5cm wide and 6.4mm thick and these shall be hand driven and made from oak. The laths shall be nailed horizontally into place and onto the studs with no more than 10mm spacing between each lath. The internal section of the wall shall then be plastered in accordance with Informative 1.
- 4) Four new openings and windows bedroom 2
- (a) Remove by hand the windows and frames identified on the appended plan marked AJHI in yellow highlighting. Remove all associated putty and/or foam used to fix the windows and frames in place;
 - (b) Brick up the openings using red stock bricks in a stretcher bond with flush pointing using a lime mortar with a mix of 1:3 lime: sand ratio. The bricks should be of the same stock and be as close a match as possible to the immediately surrounding brick;
 - (c) Following compliance with steps 4(a-b), fit an oak or pine frame with timber studs to fit the internal face of the newly constructed wall. The frame shall be fixed into place with screws. Once in place, fit laths to the frame. The laths should be no more than 2.5cm wide and 6.4mm thick and these shall be hand driven and made from oak. The laths shall be nailed horizontally into place and onto the studs with no more than 10mm spacing between each lath. The internal section of the wall shall then be plastered in accordance with Informative 1.