



Appeal Decision

Site visit made on 30 June 2020

by Simon Hand MA

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

Decision date: 03 July 2020

Appeal Ref: APP/B0230/F/19/3237858 53 Cheapside, Luton, Beds, LU1 2HN

- 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 Saleem Khan against a listed building enforcement notice issued by Luton Council.
 - The enforcement notice was issued on 12 August 2019.
 - The contravention of listed building control alleged in the notice is (i) the installation of wooden panelling beneath each of the two ground floor bay windows located in the front elevation of the listed building; ("the Wooden Panelling"); and (ii) the replacement of the wooden double entrance doors and door frame with UPVC double doors and door frame in the front elevation of the listed building. ("the UPVC Doors and Doorframe").
 - The requirements of the notice are (i) remove the Wooden Panelling and replace with wooded framed panelling and wooden framed cellar door to exactly match the design, scale, detailing and materials of the original wooden panelling and cellar door as shown on photograph ref. no. 1 attached. (ii) remove the UPVC Doors and Doorframe and replace with wooden double entrance doors and associated framework to exactly match the design, scale, detailing, materials and proportions of the original doors and associated wooden framework as shown in photograph ref. no. 1 attached.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1) (c) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. 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.

The Appeal on Ground (c)

2. This ground is that the alleged works do not affect the historic character of the listed building. Two sets of works have been alleged, installation of wood panelling under the ground floor bay windows and replacement of the wooden doors with UPVC ones.
3. The building used to house a night club and the ground floor was painted black or dark brown. The ground floor windows are set between pedimented pilasters and the stallrisers below the cill were slightly set back with a square relief moulding. This was a simple but effective foil to the windows above and provided interest to the façade. According to the appellant this has not been removed but covered over with wooden panels that are flush with the pilasters.

These cover up the original moulded stallrisers so that the front of the building loses some of its articulation and some of its historic interest.

4. The wooden doors were panelled and set within a frame which itself contained detailing which the listing notes may have been original. They sat comfortably next to and complementing the bay windows and their moulded stallrisers. The appellant says the new doors are metal composite and their introduction has not changed the frontage. However, they are utilitarian, plain doors with small windows in them, completely at odds with the historic facade of the building.
5. Taken together there is clear harm to the historic character of the listed building, the ground floor has been simplified and details lost which detract from its historic character. The appeal on ground (c) fails.
6. The appellant argues that the listing does not mention the type of door, but that is not a definitive guide to the historic character of the building as a whole. He also says the windows above the door were uncovered as part of the replacement process and restored, but these seem to have been hidden behind an advertisement fascia for the night club and it did not require the replacement of the doors to 'reveal' these windows.
7. The appellant also argues that the doors were rotten and needed replacing. Although strictly speaking this an argument for ground (e), even if it were true, there was no need to replace the doors with those subject to the notice.
8. Whatever the exact materials of the door whether the panelling still exists beneath the new stallrisers and whether the doorframe was not altered is largely irrelevant, the requirements are clear that the building should be returned to its original state.

Conclusion

9. I shall dismiss the appeal and uphold the notice.

Simon Hand

Inspector