



Appeal Decision

Site visit made on 28 October 2020

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

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

Decision date: 02 November 2020

Appeal Ref: APP/V2004/F/19/3240696

Former Charterhouse Nursery School, Charterhouse Lane, Hull HU2 8AF

- 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 Nicolas Clarke (Cube (Yorkshire) Limited) against a listed building enforcement notice issued by Kingston-upon-Hull City Council.
 - The enforcement notice was issued on 7 October 2019.
 - The contraventions of listed building control alleged in the notice are i. The remodelling and alteration to the appearance of the octagonal bell tower on the roof; ii. The alteration to the shape and form of the slate roof at the base of the octagonal bell tower; iii. The remodelling and alteration of the appearance of 6 x small ornate timber gabled ventilators on the principal roof (3 on the east slope and 3 on the west slope); iv. Changing the position of 2 of the above small ornate timber gable ventilators on the principal roof (1 on the east slope and 1 on the west slope); and v. Removal of all red clay cocks comb ridge tiles from the principal roof.
 - The requirements of the notice are i. Reinstatement of the octagonal bell tower to its former appearance with steeply pitched slate roof, topped by a cross in ornamental ironwork, using original parts or exact copies in the same materials, as shown in the attached photographs, marked Photo 1, Photo 2, Photo 3, Photo 4, Photo 5 and Photo 6; ii. Reinstatement of the shape and form of the slate roof of the building at the base of the octagonal bell tower as shown in the attached photographs marked Photo 1, Photo 2, Photo 3, Photo 4, Photo 5 and Photo 6; iii. Reinstatement of the shape, form and detail of the 6 x small ornate timber gabled ventilators on the principal roof (3 on the east slope and 3 on the west slope) as shown on the attached photographs, marked Photo 2, Photo 3, Photo 6, Photo 7, Photo 8 and Photo 9; iv. Restore the 2 small ornate timber gabled ventilators (1 on the east slope and 1 on the west slope) to their original positions as shown on the attached photographs, marked Photo 2, Photo 3, Photo 5, Photo 6 and Photo 9; and v. Reinstatement or replacement with exact replicas of all the red clay cocks comb ridge tiles to the principal roof as shown on all the attached photographs.
 - The period for compliance with the requirements is three months.
 - The appeal is made on the grounds set out in section 39(1)(d) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The listed building enforcement notice is varied by the deletion of '3 months' in section 3 and the substitution instead of '9 months'. Subject to this variation the appeal is dismissed and the listed building enforcement notice is upheld.

Reasons

The ground (d) appeal

2. The roof of the Former Charterhouse Nursery School, a Grade II listed building, was destroyed by a fire in 2018. The roof has been rebuilt and whilst the

structural integrity of the building was an important factor to consider neither this nor any other matter mentioned by the Appellant justified the works being carried out other than on a like for like basis. None of the unauthorised works that have been undertaken, furthermore, were urgently necessary in the interests of safety or health or for the preservation of the building. The ground (d) appeal thus fails.

The ground (h) appeal

3. Three months is an inadequate period of time, particularly given the current COVID-19 pandemic, to commission and carry out the extensive works that are necessary to remedy the contraventions of listed building control. Works should be completed as soon as is reasonably possible and, as a matter of planning judgement, nine months is a reasonable compliance period. The ground (h) appeal thus succeeds and the enforcement notice has been varied accordingly.

John Braithwaite

Inspector