
Appeal Decisions

Site visit made on 21 September 2021

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal A: APP/C3240/C/20/3258112

Dothill House, North Road, Wellington, Telford TF1 3DZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Dominic Western against an enforcement notice issued by Telford and Wrekin Council.
 - The enforcement notice was issued on 23 July 2020.
 - The breach of planning control as alleged in the notice is the erection of a single storey side extension including walls and steps leading onto flat roof balcony, the erection of black metal gates and railings and widening of vehicular access, the erection of black metal railings along the rear boundary of the site, the creation of an outdoor swimming pool, the erection of 1no brick wall and the laying of concrete footings.
 - The requirements of the notice are:
 1. Demolish and remove from the land the single storey side extension erected on the western elevation, including the external steps and walls created as well as all footings and foundations. All works should be removed other than the original garden wall which the extension was built onto, as shown in Appendix 1.
 2. Remove the black metal gates and railings, including any posts and fittings, erected across the vehicular access to the site from the land and reinstate the boundary and vehicular access to its previous condition.
 3. Remove the black metal railings and gate, including any posts and fittings, erected along the rear boundary of the site from the land and reinstate the boundary to its previous condition.
 4. Remove from the land the outdoor swimming pool, including all concrete footings, base and walls shown hatched on the attached plan.
 5. Following compliance with 4. Above, infill the land with earth so to reinstate the land to its previous condition and contours.
 6. Demolish and remove from the land the brick wall and steps built off the existing curtilage listed wall within the front garden of the property.
 7. Remove from the land the concrete footings laid in the approximate location marked blue on the attached plan, and reinstate the land so to return it to its previous condition; and
 8. Remove all materials arising from compliance with points 1-7 above from the land.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/C3240/F/20/3258113

Dothill House, North Road, Wellington, Telford TF1 3DZ

- 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 Dominic Western against a listed building enforcement notice issued by Telford and Wrekin Council.
- The enforcement notice was issued on 23 July 2020.

- The contraventions of listed building control alleged in the notice are:
 - a) The erection of a single storey side extension on the western elevation, including UPVC windows, doors, lantern roof light with attached walls and steps leading onto flat roof balcony.
 - b) The creation of a new doorway at ground floor level in the original western end elevation, so to provide internal access from the kitchen into the unauthorised single storey side extension.
 - c) The demolition and removal of an internal wall to facilitate extending kitchen.
 - d) The removal of oak timber beams and ceiling in the kitchen on the ground floor, and subsequent installation of timber joists and gypsum plaster ceiling.
 - e) The removal of plaster from the walls in the ground floor kitchen, and subsequent application of modern gypsum plaster to the walls.
 - f) The removal of the existing quarry tile floor on the kitchen on the ground floor, and subsequent installation of underfloor heating and new tiled flooring.
 - g) The removal of the existing tile floor in the dining room on the ground floor, and subsequent installation of underfloor heating and new tiled flooring.
 - h) The installation of underfloor heating pipework at first floor level.
 - i) The removal of existing lath and plaster ceilings from ground floor dining room and living room and from the staircase and first floor landing area, and subsequent application of gypsum plaster ceilings and modern gypsum plaster to walls to staircase and first floor landing area.
 - j) The removal of 3no white painted timber windows at first floor level on the rear (north) elevation, and subsequent installation of 3no white UPVC windows.
 - k) The removal of 2no white painted timber windows in the kitchen at ground floor level on the rear (north) elevation, and subsequent replacement with 2no white UPVC windows.
 - l) The insertion of a new window opening and installation of 1no white UPVC window in the kitchen at ground floor level on the rear (north) elevation.
 - m) The removal of an external timber door on the ground floor rear (north) elevation and subsequent installation of 1no white UPVC window with brick infill surround.
 - n) The removal of an internal arch headed opening and installation of blockwork infill to create a wall and standard doorway opening into newly created bathroom at the northern end of ground floor entrance hall.
 - o) The removal of a yellow painted timber door on the front (south) elevation, and subsequent replacement with 1no white UPVC door.
 - p) The removal of a yellow painted timber door on the front (south) elevation, and subsequent replacement with 1no white UPVC window with brick infill surround.
 - q) The removal of 2no white painted timber windows at ground floor level on the front (south) elevation, and subsequent installation of 2no white UPVC windows.
 - r) The insertion of a new window opening and installation of 1no new UPVC window at ground floor level on the front (south) elevation.
 - s) The removal of a white painted timber window at first floor level on the front (south) elevation, and replacement with 1no white UPVC window.
 - t) The erection of a brick wall built onto an existing curtilage listed wall within the front garden of the property.
 - u) The erection of 1no satellite dish on the front (south) elevation.
 - v) The erection of 8no CCTV cameras on the building.
 - w) The erection of 1no alarm box on the front (south) elevation.
- The requirements of the notice are to:
 1. Demolish and remove from the land the single storey side extension erected on the western elevation, including the external steps and walls created as well as all footings and foundations. All works should be removed other than the original garden wall which the extension was built onto, as shown in Appendix 1. Any plaster and other additions applied or attached to the existing garden wall should be carefully removed and the walls returned to their previous condition and appearance.
 2. Remove the doorway created at ground floor level in the original western elevation, and block up the opening by using brickwork, mortar and materials to match those

that exist on that elevation of the building in terms of dimensions, colour, texture, mortar mix and method of pointing.

3. Reinstate the internal wall removed from the kitchen so that the internal layout of the ground floor is returned to its previous condition, as shown in Appendix 2.
4. Remove the gypsum plaster ceiling installed in the ground floor kitchen and reinstate the ceiling and oak timber beams as previously existed as shown in Appendix 3.
5. Remove the modern gypsum plaster applied to the walls in the ground floor kitchen and reinstate lime plaster to walls.
6. Remove the tile floor and underfloor heating installed in the ground floor kitchen and reinstate the quarry tile floor to its previous condition in terms of materials, colour, dimensions and pattern of tiling as shown in Appendix 3.
7. Remove the tile floor and underfloor heating installed in the ground floor dining room and reinstate the tile floor to its previous condition in terms of materials, colour, dimensions and pattern of tiling as shown in Appendix 4.
8. Remove all underfloor heating pipework installed at first floor level and make good any damage to the timber flooring and beams caused by its removal.
9. Reinstate the lath and plaster ceilings on the ground floor dining room and living room and remove all gypsum plaster applied to ceilings and walls on the staircase and first floor landing before reinstating lime plaster to walls.
10. Remove the 3no white UPVC windows at first floor level on the rear (north) elevation and replace with 3no white painted timber windows to match those that existed previously in terms of size, profile, sections, design and appearance as shown in Appendix 5.
11. Remove the 2no white UPVC windows in the kitchen at ground floor level on the rear (north) elevation and replace with 2no white timber painted windows to match those that existed previously in terms of size, profile, sections, design and appearance as shown in Appendix 6.
12. Remove the 1no white UPVC window installed in the kitchen at ground floor level on the rear (north) elevation and block up the window opening created by using bricks, mortar and materials to match those that existed previously as shown in Appendix 6 in terms of dimensions, colours, texture, mortar mix and method of pointing.
13. Remove the 1no white UPVC window and brick infill surround installed on the rear (north) elevation as shown in Appendix 11 and reinstate a timber door and door frame to match the timber front door into the entrance hall, as shown in Appendix 7, in terms of its materials, sections, mouldings, profile of glazing bars, door furniture and to have a painted finish.
14. Remove the new internal door opening and associated blockwork infill created at the northern end of the entrance hall to facilitate new bathroom and reinstate arch headed opening, remove the new bathroom created including all tiles, toilet, sink and other fixtures and fittings and reinstate the area to part of the entrance hall as previously existed as shown in Appendix 8.
15. Remove the white UPVC door installed on the front (south) elevation and replace with a yellow painted timber door and door frame to match the original in terms of its design, profile and appearance as shown in Appendix 9.
16. Remove the 1no white UPVC window and surrounding brickwork installed on the front (south) elevation as shown marked 'B' in Appendix 10 and reinstate a yellow painted timber door and door frame to match that which existed previously as shown in Appendix 9.
17. Remove the 2no white UPVC windows at ground floor level on the front (south) elevation shown marked 'A' and 'D' in Appendix 10 and replace with 2no white painted timber windows to match those that existed previously in terms of size, profile, sections, design and appearance as shown in Appendix 9.
18. Remove the 1no white UPVC window installed on ground floor level on the front (south) elevation shown marked 'C' in Appendix 10 and block up the window opening created using bricks, mortar and materials to match those that existed previously as shown in Appendix 9.
19. Remove the 1no white UPVC window at first floor level on the front (south) elevation

and replace with 1no white painted timber window to match those that existed previously in terms of size, profile, sections, design and appearance as shown in Appendix 9.

20. Demolish and remove from the land the brick wall built onto the existing curtilage listed wall in the front garden of the property and make good any damage caused to the curtilage listed wall by its removal.
 21. Remove the 1no satellite dish erected on the front elevation of the property and make good any damage arising by its removal.
 22. Remove the 8no CCTV cameras erected on the property and make good any damage arising from their removal.
 23. Remove the 1no yellow alarm box erected on the front elevation of the property and make good any damage arising from its removal.
- The period for compliance with the requirements is six months.
 - The appeal is made on the grounds set out in section 39(1)(b), (c), (e), (g), (h) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) as amended.
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Decisions

Appeal A

1. The appeal is dismissed and the enforcement notice is upheld with a variation.

Appeal B

2. The appeal is dismissed and the enforcement notice is upheld with a variation.

Clarification of grounds

3. With respect to Appeal B, grounds (g) and (i) are normally mutually exclusive and cannot simultaneously be pleaded in relation to the same requirement. In this case it is clear to me that the purpose of the LBEN is to restore the building to its former condition. This falls under s38(2)(a) of the PLBCAA. Therefore, it is my opinion that ground (g) applies in that the appellant is arguing that the requirements are excessive to achieve that purpose. Ground (i) is only appropriate when the steps required by the notice are for restoring the character of the building to its former state. The LBEN before me goes further than merely requiring restoring character. Nonetheless, I have made my position on these grounds clear, below.
4. With respect to Appeal B on ground (e) I have noted that the appellant has suggested some alternative measures, including the use of differently designed windows, for example. However, there is no provision for alternative schemes under ground (e) and as such it does not fall to me to consider such alternatives under ground (e). Should the appellant wish to explore such alternatives a separate application for listed building consent would need to be submitted to the local planning authority.

Policy Background

5. Section 16 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) 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. Since there is a linked section 74 appeal on ground (a) the statutory requirement in section 66 (1) of the LBCA is also relevant, which states that, in considering whether to grant planning

permission for development which affects a listed building or its setting, special regard should be had to the desirability of preserving the building or any features of special architectural or historic interest which it possesses.

6. The development plan comprises the Telford and Wrekin Local Plan (the LP). Policy BE1 relates to design criteria, stating among other objectives, that the Council will support development which responds positively to its context and enhances the local built environment. Policy BE2 relates to residential alterations, specifically, which will be supported where, among other objectives, the alteration or extension does not substantially alter the character of the dwelling and the design remains in keeping with the existing building.
7. Policy BE4 relates to listed buildings and confirms that the Council will have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Any harm to the significance of a listed building must be clearly justified. Proposals likely to cause substantial harm to a listed building will only be supported where it has been clearly demonstrated that there would be substantial public benefits associated with the proposal that would outweigh any harm to the listed building, or other specific circumstances are demonstrated.

Significance of the listed building

8. Dothill House is a Grade II listed building, first listed in April 1983. The listing describes it as an eighteenth century red brick house. It has a plain tile roof with parapet gables and moulded brick eaves cornice. It is three storeys with three window range, sashes mostly without glazing bars and a centre first floor blind. The ground and first floor windows are in segmented arched openings with triple keyblocks. The description identifies a central front doorway with a panelled and glazed door, modern bay to right with tiled roof over a central porch. Brick end chimney stacks and a two storey early nineteenth century wing to the left (west).
9. The house is situated in a visually prominent location adjacent to the junction of North Road and Whitchurch Road. Since the eighteenth century the house has evolved with some alterations, including the nineteenth century wing which reflects the changing economic fortunes over the years and changing domestic requirements. Of particular significance is the surviving eighteenth century complex and parts of the estate boundary wall and the fact that the building has survived amongst post-war residential development in the locality.
10. The building incorporates traditional materials and is of a typical eighteenth century provincial design. In addition, it is significant in its contribution to the setting of a park, once in a rural location, its representation of contemporary eighteenth century parkland and garden development and to creating an estate of historic character and interest, although much of the latter has now been lost. In summary, its significance lies in in being a typical example of middle class domestic accommodation and its demonstration of the architectural and social evolutionary process in Shropshire from the eighteenth century.

Appeals A and B on Ground (b)

11. With respect to Appeal A, the ground of appeal is that the breach of control alleged in the enforcement notice has not occurred and with respect to Appeal

B the ground is that the matters alleged to constitute a contravention have not occurred. In dealing with these grounds the key word is 'alleged'.

Appeals A and B: Single storey side extension including walls and steps leading onto a flat roof balcony

12. Since in this case the appeal on ground (b) relates only to the first part of the alleged breach, in order to succeed on this ground it would need to be demonstrated that the single storey side extension including walls and steps leading onto a flat roof balcony had not been erected on the land.
13. The appellant disputes the description as an extension but rather describes it as a sun room due to the fact that most of the walls were already in situ. It is also argued that the 'sun room' has been built on the same footprint as the structure it replaced which comprised of three walls and also had a roof. The appellant contends that he has simply replaced the roof and built onto the western wall and added a front elevation comprising brick walls with folding UPVC doors. It is further argued that the flat roof area is not intended to be a balcony.
14. The brick structure with a flat roof with lantern is attached to the original building and comprises an enclosed and fully functional part of the dwellinghouse. Parts of the addition were in situ, but the entire roof, front elevations and the internal space are new and the small western wall has also been considerably extended. The evidence before me is that the addition has not been built on the same footprint as the original structure because the new addition protrudes forward of the principal elevation of the building which the original addition did not.
15. It is also clear to me that the flat roof area is a balcony and since it has stepped access is quite capable of being used so. The appellant argues that there is no barrier or railings and I saw on site that this is the case. Nevertheless, as a raised flat area with stepped access and access from a first floor door the feature can be described as a balcony.
16. As the breach of planning control as alleged in the notice has been erected as a matter of fact Appeal A on ground (b) fails.

Appeal B: Removal of oak timber beams and ceiling in the kitchen on the ground floor, and subsequent installation of timber joists and gypsum ceiling

17. The appellant does not believe that the beams that were removed were oak, neither does he agree that they were original or functional. No evidence is supported to support these claims. The evidence before me suggests that the beams in question were not new additions. Such a substantial timber beam with more timbers running perpendicular to it were unlikely to have been added for purely aesthetic reasons or for visual effect. Therefore, it is likely that they were present for many years and are more than likely part of the original structure of this part of the listed building. The beams have been removed and the ceiling replaced with a gypsum plaster ceiling. Therefore, this particular breach has occurred as a matter of fact.

Appeal B: Removal of plaster from the walls in the ground floor kitchen, and subsequent application of modern gypsum plaster to the walls

18. The appellant has stated that the plaster that was removed from the kitchen walls was not lime plaster but rather modern plaster. However, photographic evidence strongly suggests that the walls were previously in lime plaster. Furthermore, given the presence of historic fabric throughout the property; including historic lime plaster, it is highly unlikely that the kitchen walls would have been modern gypsum plaster. Consequently, I conclude that this alleged breach has occurred as a matter of fact.

Appeal B: The removal of existing lath and plaster ceilings from ground floor dining room and living room and from the staircase and first floor landing area, and subsequent application of gypsum plaster ceilings and modern gypsum plaster to walls to staircase and first floor landing area.

19. Again, the appellant has stated that he did not remove any lath and plaster from the ceilings or walls of the stairs or landing. However, he does accept that there was lath and plaster in some areas but these areas have now been works of skimming over the top of what was there and any lath and plaster that was present remains so, beneath the plaster skim.
20. Even if the appellant did not himself remove areas of original historic plaster, it remains a breach if such works occurred prior to his ownership of Dothill House. Since there remain lath and plaster walls and ceilings in the property it is evident to me that the alleged breach has occurred.

Appeal B: The removal of 2no white painted timber windows in the kitchen at ground floor level on the rear (north) elevation, and subsequent replacement with 2no white UPVC windows.

21. Although the appellant contends that only one of the windows replaced in the kitchen was timber framed and the other was discoloured UPVC framed the photographic evidence before me shows that the profile, sections and materials of the frames in question do not appear to be UPVC but rather timber. Since both of these have been replaced, it is clear that there has been a breach as a matter of fact with respect to their replacement.
22. Even if one of the windows in question was UPVC framed this would be unauthorised since it would not have been original and is highly likely to have been replaced without the benefit of LBC. Furthermore, given the building was listed in 1983 it is unlikely that the windows would have been installed before that date. There are no time limits for which enforcement action can be taken against such breaches, even if the respective works were not carried out by the current owner.

Appeal B: The insertion of a new window opening and installation of 1no new UPVC window at ground floor level on the front (south) elevation.

23. The appellant asserts that no new opening has been inserted and that the window that was present has been replaced with a UPVC window. However, evidence in the form of the sales particulars and photographs show that window 'C' is an entirely new opening. Although the appellant argues otherwise, there is insufficient evidence before me to show that it is not a new opening. Consequently it has occurred as a matter of fact.
24. Therefore, what is alleged in the notices (as the alleged contraventions) has occurred as a matter of fact. Whether or not they are contraventions or whether or not LBC or planning permission should be granted are matters to be

considered under the other grounds below. But both appeals fail, therefore, under ground (b).

Appeal B on Ground (c)

25. The ground of appeal is that those matters identified in the LBEN (if they occurred) do not constitute such a breach. To be successful on this ground of appeal it must be successfully argued that the works carried out have not altered the character of the listed building and therefore that there has not been a contravention of section 7 of the PLBCAA. Section 7 of the PLBCAA states that '*Subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special or architectural or historic interest unless the works are authorised*'. Section 8 sets out when works to a listed building are authorised.
26. In a ground (c) appeal the merits of the works are not considered. The question to be asked relates solely to whether or not the character of a listed building has been changed by the works carried out. This is irrespective of whether or not such works have been harmful to the listed building. The full merits are considered below under ground (e).
27. Again, having inspected the works carried out, I consider that all aspects of the alterations the subject of the appeal on ground (c) have affected the listed building as one of special architectural and historic interest. The removal of the oak beams and ceiling and other identified alterations in the kitchen have resulted in the loss of historic fabric and has changed the character of the kitchen. The installation of underfloor heating pipework at first floor level has involved the removal of the lath and plaster ceilings at ground floor level to facilitate access to the ceiling area. In addition, it is apparent that the floor joists have been altered and fixings added to install the heating system as shown in photographic evidence. Consequently, the works constitute a contravention in that they have caused a degree of harm to the historic fabric of the building. This affects character.
28. Although the external timber door in the ground floor rear elevation of the property was located on a later extension to the building, its removal and replacement with a UPVC window most certainly affects the character of the listed building. The appellant argues that the internal arch headed opening was a later 1960s alteration and therefore the installation of blockwork infill to create a wall and standard doorway does not affect the historic character of the building. However, as part of the building that was listed in 1983 it is regarded as part of the historic fabric of the building. Consequently, irrespective of when the arch was formed, the alterations have had visual impacts and therefore do affect character.
29. Allegations o and p relate to the removal of a yellow painted door on the front elevation and its replacement with a white UPVC door and the removal of a yellow painted timber door on the front elevation and installation of a white UPVC window with brick surround. It is argued that the doors were not original and did not contribute to the historic character of the building. Nevertheless, the works that have taken place significantly alter the materials, design and legibility of the front elevation and therefore affects the character of the historic building.

30. Finally, the brick wall that has been erected onto an existing curtilage listed wall has been built onto and is physically attached to the curtilage listed wall. The wall is curtilage listed and is therefore regarded to be part of the listed building and there is no dispute between the main parties about that fact. The new section of wall changes the layout of the garden and is an alteration that would affect the character of the historic building. As such it is a contravention of Section 9 of the LBCAA
31. There is no LBC in place for these works and it follows, therefore, that a contravention of the PLBCAA has occurred. The appeal also fails, therefore, on ground (c).

Appeal A on ground (a) and Appeal B on Ground (e)

Main Issues

32. With respect to both appeals, the main issue is whether the development and/or works would preserve a Grade II listed building, Dothill House, and any of the features of special architectural or historic interest that it possesses. I have dealt with each of the areas of work as set out in the planning enforcement notice and LBEN, below. With respect to Appeal A the additional main issue is the effect on the living conditions of the occupants of neighbouring properties with particular reference to noise and disturbance, overlooking and privacy.

Appeal A - Single storey side extension including walls and steps leading to flat roof balcony and Appeal B - Erection of a single storey side extension on the western elevation, including UPVC windows, doors, lantern roof light with attached walls and steps leading onto flat roof balcony

Listed Building

33. I have noted that the appellant has sought to consider the extension and the steps separately as two separate and distinct works. However, the steps and walls are physically attached to the side extension, and the steps lead directly to the roof of the extension. Consequently, I will deal with these breaches together.
34. The relatively substantial side extension protrudes forward of the original building line of the host property and as a consequence of the materials used, its overall design, including flat roof, overall appearance and the use of inappropriate materials, including UPVC windows, doors and roof lantern, it is an incongruous addition to the listed building and it detracts from the historic and architectural integrity of the historic building. The brown UPVC bi-fold doors, roof lantern and white UPVC windows are totally inappropriate for use on a listed building and the brick does not adequately match those used on the host property. As such the extension appears as an alien feature within its historic context and fails to preserve the Grade II listed building.
35. I have noted the appellant's willingness to replacement the UPVC elements of the scheme with powder coated alternatives, but such a change would also introduce materials that are not appropriate for an addition to a listed building. Furthermore, such a change would not sufficiently mitigate the harm caused by the overall scale, design and appearance of the extension.

36. I conclude that the extension and its associated features has harmed the significance and special architectural and historic interest of the listed building by being an incongruous addition which incorporates unsuitable materials and is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Living conditions

37. The steps lead directly onto the flat roof area and could potentially be used to provide access to the roof area as a balcony. I do not accept the appellant's point that the steps and wall are purely decorative features. Given the close proximity to other residential properties in the vicinity the use of a balcony in this location would result in significant overlooking and consequent loss of privacy to neighbouring properties. Such overlooking would be in breach of the requirements of Policy BE1 of the LP.

Appeal A on Ground (a): Erection of black metal gates and railings and widening of vehicular access

38. The appellant contends that these represent a visual improvement to the property and the widened access provides use for modern vehicles whilst also enhancing the street scene allowing greater visibility of the listed building. The gates and railings are highly visually prominent and dominate the frontage of the property. They are of a stark and rather industrial appearance in relation to their surroundings and their appearance is at odds with the mainly residential surroundings. In particular, they detract from the setting of the listed building by being overtly modern, highly incongruous and intrusive in their important historical context.
39. I conclude that the metal gates and railings have harmed the setting of the listed building and the harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal A on Ground (a): Erection of black metal railings along the rear boundary of the site

40. The appellant considers these to be a visual improvement, and that the railings are befitting of an historic building. It is my understanding that landscaping and planting are intended to be added in order to provide screening and to soften the visual impact. The gates and railings are highly visually prominent and dominate the rear of the property. They are of a stark appearance in relation to their surroundings and their appearance is at odds with the mainly residential surroundings and, in particular, detract from the setting of the listed building.
41. I conclude that the metal gates and railings have harmed the setting of the listed building and the harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal A on Ground (a): Outdoor swimming pool

42. The appellant states that the pool is an acceptable feature and is a modest and ordinary addition within the curtilage of a dwellinghouse. Nor does the appellant agree that it would result in loss of privacy and amenity to neighbouring properties.

43. Although the swimming pool is a relatively small feature it is certainly not a common feature found in the frontage of a listed building. In this case it detracts from the important setting of the building within what would have been a relatively modest landscaped garden area. Such a modern feature of this design detracts from the setting of the listed building as an alien feature which is entirely at odds with its surroundings.
44. I have taken account of the Council's concerns regarding the proximity to a neighbouring residential property. However, I do not consider that the level of additional noise and disturbance arising from the pool is likely to unacceptably harm living conditions. Neither do I consider it would result in a loss of privacy.
45. The appellant suggests that the pool could be completed in accordance with a suitably designed scheme. However, in the absence of such as detailed scheme I have no alternative to determine. I conclude that the pool has harmed the setting of the listed building and the harm is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Appeal A on Ground (a): Concrete footings

46. It is argued that a wall in this location constructed of appropriate materials would not cause harm. Indeed, in particular circumstances consent could be granted for the retention of the footings and erection of a suitably designed alternative wall subject to variations in the notice. As such the appellant contends that the footings should be retained.
47. However, the footings are clearly part of a wider scheme to build a wall which, in my judgement, may cause further harm to the setting of the listed building and consequently should be removed. I conclude that the footings have harmed the setting of the listed building and the harm is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Appeal A on Ground (a) and Appeal B on Ground (e): Erection of 1no brick wall

48. The appellant has stated that the wall in question does not detract from the architectural importance and appearance of the curtilage listed wall. As an alternative it is suggested that the wall could be separated from the listed structure. However, as a consequence of the materials used the new structure fails to integrate successfully with its immediate historic surroundings. Furthermore, the new section of wall changes the layout of the garden and is an alteration that would have a harmful effect on the character of the historic building.
49. The alternative arrangement suggested by the appellant is to remove that part of the wall that directly abuts the existing curtilage listed wall. That would not improve the materials that have been used and furthermore, there would remain harm to the setting of the listed structure and the layout of the garden. Consequently, I find that the suggested solution would be unacceptable.
50. I conclude that the wall has harmed the significance and special architectural and historic interest of the listed building by being an incongruous addition which incorporates unsuitable materials and the harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Creation of new doorway at ground level in the original

western elevation

51. The appellant argues that consent should be granted for the side extension and therefore the doorway leading from the kitchen into the extension should be approved. The Council does not disagree with this and concedes that should the extension be approved the doorway should also be approved as a means of accessing the extension. However, for the reasons I have set out above the side extension and associated works should not be granted planning permission or LBC and therefore this argument does not justify its approval.
52. Furthermore, the creation of a doorway would by definition result in the loss of some historic fabric, albeit with reference to a later addition to the listed building. I conclude that the doorway has harmed the significance and special architectural and historic interest of the listed building and that harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Demolition and removal of internal wall to facilitate extending kitchen

53. The wall in question was part of a later addition to the property, but as set out above that does not mean that it is not a significant part of the listed building. The demolition of the wall is part of a more comprehensive scheme that has altered the layout and design of the kitchen which fails to respect the importance of the sub-division of spaces and the historic layout of the listed building that has evolved over time. Therefore, to return the ground floor layout to its historic arrangement and in order to return the property to its previous condition the reinstatement of the wall is the only way of remedying the harm that has taken place.
54. I conclude that the works have harmed the significance and special architectural and historic interest of the listed building and the harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of oak beams and ceiling in the kitchen and subsequent installation of timber joists and gypsum plaster ceiling

55. Under ground (b), above I have concluded that it is likely that they were present for many years and are more than likely part of the original structure of this part of the listed building. The beams have been removed and the ceiling replaced with a gypsum plaster ceiling. Their removal has resulted in the loss of historic fabric that makes a positive contribution to the significance of the building and consequently is unacceptable.
56. I conclude that the loss of fabric has harmed the significance and special architectural and historic interest of the listed building and that is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of plaster from the walls in the ground floor kitchen, and subsequent application of modern gypsum plaster to the walls

57. Modern gypsums are not appropriate for application onto historic walls as they prevent the movements of moisture harmfully effect their breathability and therefore lead to deterioration of historic fabric. Irrespective of the material that has been removed, the application of the modern material that has occurred is likely to be harmful to the historic fabric of the building and is therefore not acceptable.

58. I conclude that the removal of plaster and application of modern gypsum plaster 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. I consider public benefits below.

Appeal B on Ground (e): Removal of existing quarry tile floor in the kitchen on the ground floor and subsequent installation of underfloor heating and new tiled floor

59. The appellant contends that the quarry tiles were sitting on earth and were removed to provide for underfloor heating. The appellant accepts that it would have been more sympathetic to have re-used the original tiles but also argues that it would be unreasonable to require the removal of the new tiles as such an operation would not be desirable for modern living conditions and the heritage character could be restored by other means.

60. The appellant proposes to retain the under floor heating system, reinstate the former tiles in their previous position and source matching tiles. However, there is insufficient evidence before me to be certain that the underfloor heating system can be retained with the installation of the former quarry tiles. In addition, there is insufficient evidence of the under floor heating that has been installed, including the extent of the operations that have taken place and therefore I am uncertain as to whether the quarry tiles could be reinstalled without detriment to the historic fabric of the building. Consequently, in order to ensure the tiles can be successfully reinstated and in the interests of restoring the historic fabric of the listed building I do not accept that the underfloor heating system should be retained.

61. I conclude that the works have harmed the significance and special architectural and historic interest of the listed building by and that level of harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of the existing tile floor in the dining room on the ground floor and subsequent installation of underfloor heating and new tiled floor

62. As in the kitchen, the appellant argues that the original tiles were set on earth and their removal has facilitated an underfloor heating system. He accepts that improvements could be made to the dining room floor that has been installed and suggests the same approach as for the kitchen whereby the new tiles are removed, retain the heating system and replace with more appropriate tiles. However, there is insufficient evidence of the under floor heating that has been installed, including the extent of the operations that have taken place and therefore I am uncertain as to whether the quarry tiles could be reinstalled without detriment to the historic fabric of the building. Consequently, in order to ensure the tiles can be successfully reinstated and in the interests of restoring the historic fabric of the listed building I do not accept that the underfloor heating system should be retained in this location.

63. I conclude that the removal of the tile floor and installation of the underfloor heating system has harmed the significance and special architectural and historic interest of the listed building by removing historic fabric. That harm is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Installation of underfloor heating pipework at first floor level

64. The appellant contends that the installation of the underfloor pipework did not involve any significant degree of interference with historic fabric and there were already notches in the flooring as a consequence of previous plumbing work. Additional notches were created by the more recent works in order to minimise damage to historic fabric.
65. However, the evidence before me indicates that there has been damage to lath and plaster ceilings and some damage to historic floor boards and joists. In their historic context these do not constitute minor works. I conclude that the works have harmed the significance and special architectural and historic interest of the listed building and that harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of lath and plaster ceilings from ground floor dining room and living room and from the staircase and first floor landings, and subsequent application of gypsum plaster ceiling and modern gypsum plaster to walls to staircase and first floor landings.

66. It is argued that the lath and plaster ceiling in the dining room was in poor condition. Lath and plaster ceilings and lime plaster walls are typical features in historic buildings and are important in the way they allow the structure to breathe and create a particularly soft visual finish. The replacement with modern gypsum hinders the natural breathing process and as previously discussed, can result in deterioration of the historic fabric. It is quite clear to me that the purpose of removing the historic fabric in this case was to install the heating system rather than for any specific repair objective. The appellant has also confirmed that original plaster work was removed from the living room ceiling and I agree with the Council's position that the loss of historic fabric is not appropriate.
67. With respect to the landing and stairs, the appellant contends that lath and plaster has not been removed, but there were some areas where patched repairs had been undertaken using modern materials. I do not accept the argument that it would be better to preserve the historic fabric by leaving the walls and ceilings in their current condition because the modern works that have been carried out are harmful to the character of the building. Should any further damage occur as a result of removing the modern gypsum, the reinstatement of lath and plaster could make good any damage.
68. I conclude that the works have harmed the significance and special architectural and historic interest of the listed building by removing significant historic fabric. Such harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of 3no white painted timber windows at first floor level on the rear (north) elevation, and subsequent installation of 3no white UPVC windows

69. The approach taken with respect to the windows is rather careless and harmful to the character and appearance of the curtilage listed building in terms of the materials used and the method of installation, using modern bonding, for example. Therefore, the plastic replacement windows are harmful to the

special architectural and historic interest of the building. The appellant accepts that an alternative to the UPVC that has been installed would be more in keeping with the historic building. I have noted his comment that listed building consent should be granted for the removal of the windows and for timber replacements. The LBEN requirements with respect to this breach require the removal of the UPVC windows and replacement with white painted timber windows to match those that existed previously, in terms of size, profile, sections, design and appearance.

70. No alternative scheme can be submitted pursuant to an appeal on ground (e) and therefore the requirements of the LBEN remain the most suitable mechanism for replacing the windows.

71. I conclude that the removal of the timber windows and installation of replacement UPVC windows has harmed the significance and special architectural and historic interest of the listed building and causes 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of 2no white painted timber windows in the kitchen at ground floor level on the rear (north) elevation, and subsequent installation of 2no white UPVC windows

72. The approach taken with respect to the windows is rather careless and harmful to the character and appearance of the curtilage listed building in terms of the materials used and the method of installation, using modern bonding, for example. Therefore, the plastic replacement windows are harmful to the special architectural and historic interest of the building. The appellant accepts that an alternative to the UPVC that has been installed would be more in keeping with the historic building. I have noted his comment that listed building should be granted for the removal of the windows and for timber replacements. The LBEN requires the removal of the UPVC windows and replacement with white painted timber windows to match those that existed previously, in terms of size, profile, sections, design and appearance. No alternative scheme can be submitted pursuant to an appeal on ground (e) and therefore the requirements of the LBEN remain the most suitable mechanism for replacing the windows.

73. I conclude that the replacement windows have harmed the significance and special architectural and historic interest of the listed building by using unsuitable materials and is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Insertion of a new window opening and installation of 1no white UPVC window in the kitchen at ground floor level on the rear (north) Removal of 2no white painted timber windows in the kitchen at ground floor level on the rear (north) elevation, and subsequent installation of 2no white UPVC windows

74. The approach taken with respect to the window is rather careless and harmful to the character and appearance of the curtilage listed building in terms of the materials used and the method of installation, using modern bonding, for example. Therefore, the plastic replacement windows are harmful to the special architectural and historic interest of the building. This opening was created to give more light to the kitchen. The appellant contends that there was previously a blocked up window in this location but there is insufficient

evidence before me to show that this was indeed the case. Without this window there would be two windows serving the kitchen on the rear elevation and two partly glazed windows on the front elevation. As such the argument that additional light is required is weak. Consequently, and in the absence of more evidence, I conclude that the works have resulted in the loss of some historic fabric for which there is insufficient justification.

75. He accepts that alternative materials to replace the UPVC would be more suitable. The LBEN requirements with respect to this breach require the removal of the UPVC windows and replacement with white painted timber windows to match those that existed previously, in terms of size, profile, sections, design and appearance. No alternative scheme can be submitted pursuant to an appeal on ground (e) and therefore the requirements of the LBEN remain the most suitable mechanism for replacing the windows.
76. I conclude that the works have harmed the significance and special architectural and historic interest of the listed building and that harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of an external timber door on the ground floor rear (north) elevation and subsequent installation of 1no white UPVC window with brick infill surround

77. The works facilitate the installation of a shower room and it is argued that the impact is minimal given that this part of the dwelling is a later extension. The appellant contends that the removal of the door and blocking up part of the opening and insertion of a window should be approved under ground (e) along with replacing the UPVC with a suitably designed timber door.
78. Historically, it appears that the entrance hall ran from the front door, alongside the stairs, through to a rear door which was in the approximate position of the new internal doorway into the shower room. The rear porch is a later addition to the building, but the route through the hall remained a significant historic route through the house. The works that have taken place to the rear door erode its importance as part of that route and therefore is harmful to the historic significance of the building.
79. No alternative scheme can be submitted pursuant to an appeal on ground (e) and therefore the requirements of the LBEN remain the most suitable mechanism for replacing the windows.
80. I conclude that the works have harmed the significance and special architectural and historic interest of the listed building. The level of harm is and is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of an internal arch headed opening and installation of blockwork infill to create a wall and standard doorway opening into newly created bathroom at northern end of ground floor entrance hall

81. The appellant argues that the internal archway feature was an inappropriate feature which he estimates to have been added in the 1960s and detracted from the historical importance of the building. The works that have taken place were required to undertake remodelling work. Although it is likely that the archway feature was a later addition, there is insufficient evidence before me to conclude that it was a 1960s addition.

82. Furthermore, the previous arched doorway leading from the hallway to the outside would have been wider than the one now in place which has been formed using blockwork. I consider the loss of historic fabric and the loss of the through access has unacceptably compromised the historic layout of the property.
83. I conclude that the removal of the internal arch and installation of blockwork fill to create a wall and doorway have harmed the significance and special architectural and historic interest of the listed building and that harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of a yellow painted door on the front (south) elevation and subsequent replacement with 1no white UPVC door

84. Although it is argued that the yellow painted timber door was not an original feature, the replacement door is unacceptable in terms of its appearance and materials used. The appellant accepts that the replacement is not the most appropriate and suggests that an alternative door of more appropriate design and materials is installed. The LBEN requires the removal of the UPVC door and replacement with a door, the specifications of which are set out in the LBEN. No alternative scheme can be submitted pursuant to an appeal on ground (e) and therefore the requirements of the LBEN remain the most suitable mechanism for replacing the windows.
85. I conclude that the removal of the door and replacement with a UPVC door has harmed the significance and special architectural and historic interest of the listed building. That harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of a yellow painted door on the front (south) elevation and subsequent installation of 1no white UPVC window with brick infill surround

86. The two doorways on the front elevation of the west wing were important in terms of the legibility of the original layout of the property; this part of the property having been sub-divided into a store and kitchen. Although the yellow door may not have been an original feature, the replacement arrangement in UPVC with brick infill surround is not acceptable and the appellant agrees that the use of UPVC is not the most appropriate replacement.
87. He contends that the window is required to provide more light into the kitchen in tandem with works to incorporate the former store into the kitchen. However, there is ample light into the kitchen and therefore I do not accept this argument. In addition, the loss of the door has resulted in a feature which made a positive contribution to the historic interest of the building. Although the timber door may not have been original its design and materials were appropriate for the listed building. Step 16 of the LBEN requires the removal of the works and reinstatement of a suitable door to match the one that previously existed.
88. No alternative scheme can be submitted pursuant to an appeal on ground (e) and therefore the requirements of the LBEN remain the most suitable mechanism for replacing the windows. I conclude that the works have harmed the significance and special architectural and historic interest of the listed

building. That is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of 2no white painted timber windows at ground floor level on the front (south) elevation and subsequent installation of 2no white UPVC windows

89. The appellant argues that the windows were mid-twentieth century design and did not contribute to the historic character of the building. The appellant accepts that alternative materials to UPVC would be more in keeping with the property. Listed building consent should not be granted for the UPVC windows that have been installed due to their harmful effect on the historic integrity of the listed building.
90. The LBEN requirements with respect to this breach require the removal of the UPVC windows and replacement with white painted timber windows to match those that existed previously, in terms of size, profile, sections, design and appearance. No alternative scheme can be submitted pursuant to an appeal on ground (e) and therefore the requirements of the LBEN remain the most suitable mechanism for replacing the windows.
91. I conclude that the works have harmed the significance and special architectural and historic interest of the listed building. Such harm is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Insertion of a new window opening and installation of 1no white UPVC window at ground floor level on the front (north) elevation

92. The appellant contends that a new opening has not been created and there was a white painted timber window present. However, there is insufficient evidence before me to show that this is the case. The materials used and the method of installation are unsuitable for use in this historic context. Indeed, the appellant accepts that alternative materials to UPVC would be more in keeping with the property. In addition, the insertion of a new opening is harmful to the historic fabric of the building.
93. I conclude that the insertion of a new window and installation of a UPVC window have harmed the significance and special architectural and historic interest of the listed building. The level of harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Removal of a white painted timber window at first floor level on the front (south) elevation and replacement with 1no white UPVC window

94. The appellant argues that the windows were mid-twentieth century design and did not contribute to the historic character of the building. The materials used and the method of installation are unsuitable for use in this historic context. The appellant accepts that alternative materials to UPVC would be more in keeping with the property.
95. The LBEN requirements with respect to this breach require the removal of the UPVC windows and replacement with white painted timber windows to match those that existed previously, in terms of size, profile, sections, design and appearance. No alternative scheme can be submitted pursuant to an appeal on ground (e) and therefore the requirements of the LBEN remain the most suitable mechanism for replacing the windows.

96. I conclude that the works have harmed the significance and special architectural and historic interest of the listed building. That harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Appeal B on Ground (e): Erection of 8no CCTV cameras

97. The appellant contends that security in this location is important and considers the removal of all the cameras to be excessive. However, the cameras are unsympathetic modern features on highly prominent locations around the property. The cameras are white and are conspicuous around the building. In addition, the installation will have caused some damage to historic fabric. I understand that security is an important consideration but the number, design and location of the cameras is unacceptable and would harm the historic integrity of the host property.

98. The appellant has stated that he would like four of the cameras to remain, but even this reduced number would cause visual harm and is not acceptable. No alternative scheme can be submitted pursuant to an appeal on ground (e) and therefore the requirements of the LBEN remain.

99. I conclude that the CCTV cameras harm the significance and special architectural and historic interest of the listed building and that is 'less than substantial' harm in terms of the Framework. I consider public benefits below.

Whether public benefits outweigh any harm found

100. The appeal property has been the subject of various extensions and alteration over the years but the appellant contends that it is not suitable for modern domestic purposes. Therefore, he argues that it needs to meet contemporary expectations if it is to have some level meaningful of financial investment and enable it to continue as a heritage asset, contributing to the setting of the area.

101. I understand that the appellant wishes to enjoy modern living conditions, but that should not be at the expense of harming the special interest of the listed building. The requirements of the notice would ensure the long term viability of the property as a high quality modernised historic dwelling without causing undesirable harm. Should the appellant wish to explore other options available to him then that would need to be the subject of separate discussions with the local planning authority and further applications for listed building consent.

102. The development and works undertaken in relation to these appeals 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 Framework. I do not consider that the benefits identified in the evidence submitted outweigh the harm of what has been done, either individually or cumulatively, such that planning permission or listed building consent should be granted, either individually or cumulatively, for the various grounds considered above.

103. Therefore, I conclude that the proposals would fail to preserve a Grade II listed building, Dothill House, and any of the features of special architectural or historic interest that it possesses. As such it conflicts with Policy BE4 of the LP and the Framework.

Appeal A on Ground (f)

104. The ground of appeal is that the steps required by the notice to be taken exceed what is necessary to achieve the purpose. The purpose of an enforcement notice is set out in s173 of the Act and are to remedy the breach of planning control (s173(4)(a)) or to remedy injury to amenity (s173(4)(b)). Since the notice requires the entire demolition of the single storey side extension, removal of the black painted gates and railings erected across the vehicular access, removal of the black metal railings and gates along the rear boundary, removal of the swimming pool, infilling the land associated with the swimming pool to reinstate the land to its former condition, demolition of the brick wall and removal of concrete footings, the purpose is clearly to remedy the breach. Leaving any parts of the development in place would not achieve that purpose. In this respect the appeal on ground (f) fails.
105. However, I am mindful that enforcement action is intended to be remedial and not punitive. Whilst ground (a) is included in Appeal A it would be possible to grant permission for part of the development. As such, I have considered the lesser steps in this decision under ground (a). I have found each of the suggested lesser steps to be unacceptable and therefore, the appeal on ground (f) fails.

Appeal B on Ground (i)

106. The ground of appeal is that the steps required to restore the character of the building to its former condition would not serve that purpose. Under ground (i) the former state is the state of the building prior to any contravention, not just the contravention which is the subject of the appeal.
107. Ground (i) is only appropriate when the steps required by the notice are for restoring the character of the building to its former state. The former state is its state before any contravention, not just the contraventions which are the subject of the appeal. To be successful on this ground it must be shown that the steps required for the purposes of restoring the building to its former state would not serve that purpose.
108. In this case the requirements relate specifically to a series of contraventions and measures to be taken to restore the character of the building that has been harmed by those contraventions. It does not go any further than that by requiring the former state to be restored before any contravention has occurred.
109. I have taken full account of the appellant's comments with respect to his appeal on ground (i) and they are covered elsewhere in this decision. However, in my judgement the requirements of the LBEN would clearly serve the purpose of restoring the character of the listed building. Therefore, the appeals must fail, therefore on ground (i).

Appeal B on Ground (g)

110. The ground of appeal is that the requirements of the LBEN exceed what is necessary for restoring the building to its condition before the works were carried out. The notice requires the restoration of the building to its previous condition and it is clear to me that the measures required by the notice achieve that purpose and are not excessive in achieving its purpose. The information before me shows that the requirements of the LBEN are based on sound evidence, including photographs and other historic factual evidence.

111. The appellant contends that requirements 4, 7, 10, 11, 13, 14, 15, 16, 17 and 19 relate to features may have been absent at the time of listing and it is submitted that their reinstatement would not achieve the restoration of the former condition of the building. However, for reasons I have set out elsewhere in this decision, the works that have been carried out are harmful to the listed building and the requirements will restore the building to its condition before the works were carried out. What is required of the LBEN is what was there immediately before the works were carried out and therefore the appeal on ground (g) does not succeed.
112. The appellant has also argued that some specific requirements would not be required for restoration purposes. These relate to requirements 4, 5, 9, 11, 12, 18 and 20. Again, the requirements of the notice are entirely reasonable in order to restore the building to its condition before the works were carried out.
113. Consequently, Appeal B on ground (g) fails.

Appeal A on Ground (g)

114. The ground of appeal is that the time given to comply with the requirements is too short. The six calendar months given would not be sufficient to complete the extensive requirements of the Notice. The appellant is seeking an extension to nine months. I appreciate that there is ongoing harm to the listed building and surrounding area but agree that the period should be extended.
115. The compliance period should be extended to nine months and therefore the appeal on ground (g) succeeds.

Appeal B on Ground (h)

116. The ground of appeal is that the period specified falls short of what should reasonably be allowed. Having considered the requirements of the notice I consider that six months falls short of what should reasonably be allowed for compliance with the extensive and detailed requirements of the LBEN. This is because of the nature of the works required and the actual time reasonably required to physically complete them. I accept that the period of nine months may cause some delay to the restoration of the property but I also appreciate that in order to satisfactorily complete the full requirements of the LBEN such a longer time period is required.
117. I agree that a compliance period of nine months should be allowed and the appeal succeeds under ground (h).

Formal Decisions

Appeal A: APP/C3240/C/20/3258112

118. I direct that the enforcement notice be varied by the deletion from paragraph 6 of the words "six months" and the substitution therefore of the words "nine months" as the time for compliance with the requirements.
119. Subject to this variation the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B: APP/C3240/F/20/3258113

120. I direct that the enforcement notice be varied by the deletion from paragraph 6 of the words "six months" and the substitution therefore of the words "nine months" as the time for compliance with the requirements.

121. Subject to this variation the appeal is dismissed, the notice is upheld as varied and LBC is refused for the works carried out in contravention of the PLBCAA.

A A Phillips

INSPECTOR