



## Appeal Decision

Hearing held and site visit made on 18 March 2025

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

an Inspector appointed by the Secretary of State

Decision date: 25 March 2025

---

**Appeal Ref: APP/W3520/F/24/3356120**

**Sunnyview, Dandy Corner, Cotton, Stowmarket IP14 4QX**

- 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 W Johnson against a listed building enforcement notice issued by Mid-Suffolk District Council.
- The listed building enforcement notice was issued on 20 November 2024.
- The contraventions of listed building control alleged in the notice are 1. Removal of porch and erection of replacement porch; 2. Removal of chimney stack above ridge and new stack erected; 3. Removal of authentic historic opening replaced with doors of ordinary modern form, in inauthentic glazing details with timber beads and false glazing bars; 4. Windows replaced with inauthentic glazing details with timber beads and false glazing bars; 5. Removal of traditional windows, loss of authentic historic feature and replacement windows with inauthentic detailing and construction; 6. New window installed with inauthentic detailing and construction; 7. Traditional window removed and new window installed of inauthentic detailing and construction; 8. Installation of new window of inauthentic detailing and construction; 9. Traditional window removed and new window installed of inauthentic detailing and construction; 10. Installation of new window of inauthentic detailing and construction; 11. New window installed with inauthentic detailing and construction; 12. Historic window removed, opening enlarged and new window installed of inauthentic design and detailing and construction; 13. Carved brackets added to ends of wall-plates; 14. Replacement barge boards with deep wavy edge and foot; 15. Lean-to addition removed and perpendicular extension added of inauthentic design and dominant in appearance; 16. Section of wall-plate cut out to form opening for circulation at first floor; and 17. Section of rafter cut out to form opening for circulation at first floor.
- The requirements of the notice are; 1. Porch - Remove the replacement porch and make good the fabric of the south elevation to match material and finish adjacent; 2. Chimney - Restore to former state, bricks to be laid in lime mortar with cement gauging, and pointing to be finished flush and full or slightly recessed; 3. Front Left Ground Floor Window - Reduce opening to match adjacent in size, shape and sill-height, and install fenestration. Remove doors, reduce opening to match adjacent in size, shape and sill-height; install window of two lights with central mullion, one fixed sash, one side-hung opener, each sash with central horizontal glazing bar; 4. Windows south front ground floor centre and right - Replace windows; install windows of two lights with central mullion, one fixed sash, one side-hung opener, each sash with central horizontal glazing bar; 5. Windows north front first floor left and centre - Replace windows; install windows of two lights with central mullion, one fixed sash, one side-hung opener, each sash with central horizontal glazing bar; 6. Windows north front first floor right - Replace window; install window of two lights with central mullion, one fixed sash, one side-hung opener; 7. East gable first floor - Replace window; install window of two lights with central mullion, one fixed sash, one side-hung opener, each sash with central horizontal glazing bar; 8. East gable ground floor - Replace window; install window of three lights with two mullions; central fixed sash, outer sashes side-hung openers, each sash with central horizontal glazing bar; 9. North front first floor - Replace window; install window of two lights with central mullion, one fixed sash, one side-hung opener, with central horizontal glazing bar; 10. North front ground floor left - Replace window; install window of two lights with central mullion, one fixed sash, one side-hung opener, each sash with central horizontal glazing bar; 11. North front ground floor right - Replace window; install window of two lights with central mullion, one fixed sash, one side-hung opener; 12. West gable first floor - Remove window, restore opening to previous size and shape. Install double-hung sliding-sash window, each sash with central vertical glazing bar no more than 20mm sightline; 13. East and west gables - Remove brackets; make good to match existing materials and finish adjacent; 14. Barge boards to east and west gables - Replace with straight edged, capped barge boards finished in black gloss paint; 15. Extension - Remove new extension; erect lean-to extension to former state

externally; 16. Wall-plate - Repair wall-plate by inserting new timber joined to existing with traditional scarf joints. New section of wall-plate to be inserted joined to existing with traditional carpentry scarf joints, new timber to be oak, dimensionally stable and matching dimensions of existing wall-plate adjacent; and 17. Rafter - Repair rafter by adding new timber joined to existing with traditional scarf joint. New section of rafter to be added to existing with traditional carpentry scarf joint; rafter then to be joined to the repaired wall-plate with traditional birds-mouth joint secured with coach screw; new timber to be oak; dimensionally stable and matching dimensions of existing rafter.

- The period for compliance with the requirements is 18 months.
  - The appeal is made on the grounds set out in section 39(1)(c), (d) and (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- 

## Decision

1. The listed building enforcement notice is varied, pursuant to the ground (c) appeal, by the deletion of contraventions 4, 6, 7, 8, 10, 11 and 13 in section 2 and by the deletion of requirements 4, 6, 7, 8, 10, 11 and 13 in section 4.
2. The listed building enforcement notice is varied, pursuant to the ground (e) appeal, by the deletion of contraventions 2, 3, 5, 9, 12, 14, 15, 16 and 17 in section 2 and by the deletion of requirements 2, 3, 5, 9, 12, 14, 15, 16 and 17 in section 4.
3. Pursuant to the ground (e) appeal listed building consent is granted for the chimney stack, the ground floor doors at the left of the south elevation, the first floor window at the left of the south elevation, the first floor window on the north elevation, the first floor window on the west elevation, the barge boards on the east and west gable elevations, the extension, the removal of a section of wall-plate and the removal of a section of rafter at Sunnyview, Dandy Corner, Cotton, Stowmarket, subject to the following condition:

The timber boarding on the north elevation of the extension shall be removed and replaced by render to match in finish and colour that on the main part of the dwelling. The works shall be completed within six months of the date of this decision.
4. The enforcement notice as varied is upheld to ensure compliance with requirement 1 in section 4.

## Reasons

5. Sunnyview is a two storey detached dwelling and a former farmhouse that was built in the 17<sup>th</sup> century in two phases. It is a Grade II listed building. At the time of listing in 1988 the rendered timber frame structure had a corrugated iron roof that had replaced a thatch roof. At the Hearing, the Appellant produced a photograph of the south elevation of the house and there is no reason to doubt the Appellant's claim that the photograph was taken shortly before the end of the 19<sup>th</sup> century. The photograph illustrates the former thatch roof. It is to their credit that Council Officers accepted the submission of the photograph despite having not seen it before. They were afforded time in private to discuss the significance of the photograph and the subsequent discussion was informed by the photograph.

### The ground (c) appeal

6. The Council have been relying on photographs of the building that were included with sales documentation when the property was placed on the market in 2014. At that time, the house had a variety of styles of windows, most mid to late 20<sup>th</sup> century, and it

is likely that it was these windows that were in place at the time of listing. But the Appellant's photograph shows the house, and it was accepted that windows in elevations other than the south elevation would have been the same as those in that elevation, to have windows of cohesive style and material. It is these windows that have been copied by the Appellant for all of the windows that have been installed in the building. On the basis that the windows do not constitute breaches of planning control the Council agreed that contraventions 4, 6, 7, 8, 10 and 11, and the corresponding requirements, should be deleted from the listed building enforcement notice.

7. Contravention 13 relates to carved timber brackets on both gable elevations. Prior to the Hearing the Appellant had provided evidence that justified a conclusion that the brackets were original features of the building. The brackets do not constitute a breach of planning control. The ground (c) appeal therefore partially succeeds and the listed building enforcement notice has been varied by the deletion of contraventions 4, 6, 7, 8, 10, 11 and 13 and by the deletion of corresponding requirements.

The ground (d) appeal

8. After purchase of Sunnyview the Appellant, a builder by trade, discovered that the oak frame of the building was structurally unsound. He commenced works to stabilise the structure including the replacement of the sole plate on all four elevations and all but one of the ground floor studs. It is clear from photographic evidence that the structure was close to collapse and it is testament to the Appellant's skill and determination that the structure has been saved. The works he carried out to save the structure were in the interests of the preservation of the listed building and were the minimum measures immediately necessary.

9. But the listed building enforcement notice does not seek to remedy the structural works outlined above but works that were subsequently carried out to extend the structure and to make the building habitable. It cannot be claimed that these works were urgently necessary in the interests of safety or health or for the preservation of the listed building, or that they were the minimum measures immediately necessary. The ground (d) appeal therefore fails.

The ground (e) appeal

10. The ground (e) appeal relates to contraventions 1, 2, 3, 5, 9, 12, 14, 15, 16 and 17 as set out in section 2 of the listed building enforcement notice. Contravention 1 relates to an open porch that has been added to the south elevation of the dwelling. The porch is constructed in heavy oak timbers over a brick plinth under a tiled pitched roof. The porch is bulky and clumsy in appearance, and dominates the frontage of the dwelling. It has harmed the character and architectural and historic interest of the listed building and is unacceptable. The Appellant, though not necessarily accepting that the porch is harmful, is content to work with the Council to plan for a suitable replacement for the porch, though this would not need to be a replica of the porch that appears in the late 19<sup>th</sup> century photograph because that porch was probably a mid-19<sup>th</sup> century addition.

11. Contravention 2 relates to the chimney stack which the Council claims should be higher. The chimney that appears in the late 19<sup>th</sup> century photograph rose above a thatch roof whereas the chimney now rises above a tiled roof. The chimney as constructed rises above the tiled roof by the same number of courses as it did above the former thatched roof. The height of the chimney is entirely appropriate and does not harm the character or architectural and historic interest of the listed building. Contravention 3 relates to ground floor fenestration at the left hand side of the south

elevation. The late 19<sup>th</sup> century photograph shows the size and proportions of the opening to be as it is now, and the doors that have been inserted into the opening match the style and form of the windows that the Council has accepted do not constitute breaches of planning control. The doors do not harm the character or architectural and historic interest of the listed building and are acceptable.

12. Contravention 5 would have been amended, if it had not been deleted, to relate to the left hand first floor window on the south elevation. Unlike other acceptable windows which have two lights, one fixed and one side-hung casement, this window has one side hung casement. Windows in the building vary in proportion and size and though the window could have been the same as others there is nothing harmful about its idiosyncratic form. It reflects, in fact, the vernacular character of the building. The left hand first floor window on the south elevation does not harm the character or architectural and historic interest of the listed building and is acceptable. Contravention 9 relates to the first floor window on the north elevation which has the same form as the left hand first floor window on the south elevation. For the same reasons as given for that window, the first floor window on the north elevation does not harm the character or architectural and historic interest of the listed building and is acceptable.

13. Contravention 12 relates to the first floor window on the west elevation which, as installed, is similar in form and style to the windows that the Council has accepted do not constitute breaches of planning control. However, in one of the photographs relied upon by the Council the window is shown to have been a sliding sash window and it is likely that this window was in place at the time the building was listed. The Council is seeking the reinstatement of a sliding sash window, which would be idiosyncratic and not unacceptable. However, the window that has been installed is also not unacceptable and better reflects the likely historical consistency of fenestration that is seen in the late 19<sup>th</sup> century photograph. The window as installed does not harm the character or architectural and historic interest of the listed building and is acceptable.

14. Contravention 14 relates to painted barge boards on the west and east gable elevations; which are wavy. The Council accepts, given evidence of the wavy form of a previous barge board, that the barge boards can be wavy, just not as wavy as they have been made. However, this vernacular building will have been altered over more than three hundred years to reflect changing ownership and circumstances. These changes contribute to the historic interest of the building. The personal preference of the current owner to have significantly wavy barge boards on the building is not, in this regard, unacceptable. The barge boards as installed do not harm the character or architectural and historic interest of the listed building and are acceptable.

15. Contravention 15 relates to a two storey extension that abuts the north elevation of the original dwelling. The extension is in the same position, and has about the same footprint, as a previous lean-to extension that is referred to in the listing description. But the extension is significantly higher than the former lean-to and the Council maintains that to be acceptable the extension should be narrower and should, if the area of its footprint is to be maintained, project further from the main part of the dwelling. However, the eaves and ridge of the extension are lower than those of the main part of the dwelling and, despite its width, the extension is suitably subservient in scale to the dwelling, particularly in views from the east from the public highway.

16. The extension has brick west and east elevations which marks it out as a modern addition to the rendered main part of the dwelling. The north gable elevation of the extension is clad in wavy timber boarding, which is incongruous and visually harmful.

But a condition has been imposed, which has been agreed by the Appellant and the Council, which requires the boarding to be replaced by render to match that on the main part of the dwelling. The extension, once altered in accordance with the requirement of the condition and there is no reason to suppose that the work will be any less skilfully executed than all other work that has been carried out to the listed building, will not harm the character or architectural and historic interest of the listed building. The extension is therefore acceptable.

17. Contraventions 16 and 17 relate to the removal of a section of wall plate and a section of rafter, which provides access at first floor level between the original dwelling and the extension. The dwelling will have been altered and repaired many times in its history and this small loss of historic fabric is simply another alteration that reflects current ownership and the extended form of the dwelling. The removal of a section of wall plate and a section of rafter does not harm the character or architectural and historic interest of the listed building and is acceptable.

18. All contraventions considered in this ground (e) appeal have been found not to harm the character or architectural and historic interest of the listed building and are acceptable, other than contravention 1. The harm caused by the porch, with regard to paragraph 215 of the National Planning Policy Framework, is less than substantial, but there are no public benefits to be weighed against the harm caused.

19. The ground (e) appeal succeeds in relation to all contraventions considered, other than contravention 1. The ground (e) appeal fails in relation to contravention 1. Listed building consent has been granted for all the contraventions considered other than that which relates to the porch. The listed building enforcement notice has been varied to reflect the listed building consent granted but is upheld as varied to ensure that the porch is removed in accordance with requirement 1 of the notice.

***John Braithwaite***

Inspector

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr W Johnson                      Appellant

### **FOR THE LOCAL PLANNING AUTHORITY:**

Ms C Anderson                      Senior Enforcement Officer

Mr P Harrison                      Principal Heritage Officer

Mr S Bailey                      Planning Manager