



# Appeal Decision

Site visit carried out on 9 December 2005

by **R J Tamplin BA(Hons) MRTPI Dip Cons Studies**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date  
**22 DEC 2005**

Appeal Refs: APP/L2820/F/05/2002331 & 2002332

The Stables, The Coach House, Church Lane, Dingley, Market Harborough,  
Leicestershire, LE16 8HL

- The appeals are brought under Section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are by Mr and Mrs Bryan Dyer against a listed building enforcement notice issued by Kettering Borough Council.
- The Council's reference is ENFO/2005/00074.
- The notice was issued on 19 April 2005.
- The contravention of listed building control alleged in the notice is, without listed building consent, the removal of a sash window frame and the cutting out and removal of masonry below the said window frame (including a stone cill), thereby making a full height, floor to window-head opening.
- The requirements of the notice are
  - (a) Block up the opening in the masonry up to a line level with the line of the adjacent window frame, using stonework for the external face of the work, bonded into the existing stonework and topped with a stone cill; all stonework to be coursed, bonded, jointed and pointed in materials to exactly match the surrounding stonework.
  - (b) Construct a sash window box frame to the same specification, materials and size as the adjacent window frame to the north. Install this behind the reveal in the upper part of the opening. Incorporate into the box frame the sliding sashes removed from the destroyed window frame and subsequently stored on site.
- The period for compliance with the requirements is, in each case, 6 months from the date the Notice takes effect.
- The appeals are made on the grounds set out in Section 39(1)(a) and (e) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

**Summary of Decision: The appeals fail on grounds (a) and (e), the notice is upheld and listed building consent is refused.**

## Procedural Matters

1. Although the appeals are said to be made on grounds (a) and (e) of Section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the PLBCA Act 1990), no evidence is given on ground (a). Nevertheless I shall consider this ground.

## The Appeal Building and its Surroundings

2. The appeal building stands about 3km east of Market Harborough in the grounds of Dingley Hall, a large country house set in parkland. It is part of a group of mainly two storey buildings in golden lias stone which formerly comprised the stables, coach house and, in the case of the appeal building, the laundry for the Hall. The laundry stands at the north-east corner of this group, and consists of three elements, each with a pitched slate roof, the ridge

height of each being progressively lower from north to south. The eastern elevation of the largest, northern, building has two windows; that to the right has a cill height of about 1m and is of timber with three lights each in sashes of 4 over 4 panes. The window to the left, which is the subject of the notice, has its cill a little above ground level and is in timber with three lights, each having 5 by 2 panes. Two of the lights appear to be side hung casements which open outwards. Above this is a fixed horizontal light of six panes.

3. The centre building is the only other one of the three to have any external openings, with a plain vertical boarded plank door to the right and a 2 over 2 pane window to the left, the upper light being a top hung casement. The building has pairs of moulded wood brackets supporting the eaves and, at the plain gable ends, the eaves return, and there are what look to be cast iron rainwater goods. This side of the buildings face a large lawn which is bounded by shrubbery to the east hiding a separate dwelling, The Morris Ponds. To the north and north-east the land falls gently to afford views of the countryside in the direction of Ashley and Medbourne. North-west of the appeal building I caught glimpses of Dingley Hall through mature trees, while immediately to the south-west stand the substantial former stables, crowned by a cupola, now apparently converted to living accommodation.

#### The Appeals on Ground (a)

4. It is evident from the appellants' drawings that this humble laundry building is attached to what was the stables and coach house. The description in the list of buildings of architectural or historic interest for this area suggests that it has formed part of this service complex to the Hall itself since the group was built in the 18<sup>th</sup> century. The former stables and coach house have grander detail and the lias is brought to course and squared with finer joints than is the rougher stone of the elevations to the laundry. But in my opinion this difference of architectural emphasis and execution is to be expected within such service buildings, reflecting the differing status each enjoyed within the overall hierarchy of the estate. As part of a complex the laundry building also contributes to the historical understanding of the way the estate worked and is as essential a part of that story as the stables and coach house.
5. This seems to me to be an example of what paragraph 6.2 of Planning Policy Guidance Note 15 (PPG15), "Planning and the Historic Environment", refers to as structures that, although sometimes individually unassuming, collectively represent some of the most distinctive and creative aspects of English history. As a vital component of the late 18<sup>th</sup> century landed estate of Dingley Hall this former laundry building has both historic interest and group value, two of the selection principles set out in paragraph 6.10 of PPG15. The latter is confirmed by the listing entry. I therefore conclude that the appeal building, despite being of low status, is of special architectural and historic interest because of its part in the physical record of this former estate complex. It thus fully merits its inclusion within the lists of such buildings compiled or approved by the Secretary of State under Section 1(1) of the PLBCA Act 1990. It follows that the appeals on ground (a) fail.

#### The Appeals on Ground (e)

6. I consider that the main issue in this case is the effect of the new window opening and window on the character of the listed building and its setting.
7. The character of this former low status laundry building was of a simple service nature, and its architectural details, as shown by the survey drawings, were plain and unsophisticated,

yet respected basic principles of rhythm and proportion. The tripartite form of the full height window which has been inserted into the enlarged opening reflects no historic detail of which I am aware. But even if it does, its position and form, set adjacent to the window in the original opening to the right, brings an unbalanced and fussy, suburban appearance to this eastern elevation. Paragraph C.40 of PPG15 advises that, as a rule, windows in historic buildings should be repaired, or if beyond repair, should be replaced 'like for like'. Had this been done, with the retention of the original opening and cill, the simple service character of the building would have been retained and its present inappropriate domestic quality avoided. I therefore reject the appellants' claims that this door is in keeping with the existing window and that the doorway enhances rather than detracts from this scheme.

8. Though I accept that the door allows more light than the former window, and may permit views to be more readily appreciated, these are individual preferences which have to be set against the value of the building in its former architectural state. Such arguments attract little weight because they are essentially personal and hence ephemeral, whereas the preservation of the character of the listed building is a matter of continuing public importance, and hence long term. As to the need for this door to be used for fire escape purposes I note that it is on the ground floor of the building and that, with the provision of a window in its place, two openings would be available for escape on this wall alone. Paragraphs 3.26 and 3.27 of PPG15 advise that any changes required by fire legislation should be in character with the building and that there should be no unacceptable damage to the fabric. It seems to me that no cogent case has been made that the damage to the historic fabric and the character of the listed building caused by this door is the only way in which fire requirements can be met. Hence I attach less weight to this argument.
9. The appellants say that precedents have been set by the consents granted for extensive alterations to Dingley Hall, the stables, coach house, and what they describe as the other half of this laundry building. But I have to deal with these works in the light of the advice in PPG15, taking account of all other material considerations, of which the planning history is but one. Though a similar scheme may have been approved in the past for the other half of this building, or even for the rest of the Dingley Hall complex, I consider neither justifies the grant of consent for these particular works for the reasons given above. Indeed, if the other alterations have resulted in such a loss of historic fabric, quality and character as the appellants maintain, that is an argument for rejection of the works in the appeals before me which would lead to a further loss of character. These works of alteration already harm not only the character of the building itself, but also the historic qualities of the complex of listed buildings around Dingley Hall which form the setting of the former laundry.
10. I have taken into account all the other arguments advanced by the appellants in support of their case, including that the Council did not respond to correspondence and telephone calls. However that is not a matter before me in these appeals and neither that nor any other argument affects my conclusion that listed building consent ought not to be granted for the works subject of the notice. Thus the appeal on ground (e) fails.

#### Formal Decisions

11. I dismiss the appeals, uphold the listed building enforcement notice, and refuse to grant listed building consent for the retention of the works carried out in contravention of Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

**Right of Appeal Against the Decisions**

12. Particulars are enclosed for those concerned of how the validity of this decision may be challenged by the making of an application to the High Court.

A handwritten signature in black ink, appearing to read "R. O. Murphy". The signature is fluid and cursive, with a large initial "R" and "O" followed by the surname "Murphy".

**Inspector**