

CTC



**Department of the Environment and  
Department of Transport**

Common Services

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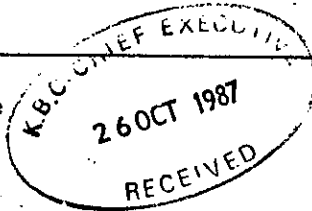
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GTN 2074

Council Ref: CTC/MRP/S618114

Mr N Carter  
The Old Farmhouse  
Pipewell  
KETTERING  
Northants  
NN14 1QZ



Your reference

Our reference  
T/APP/L2820/F/86/169/P6  
T/APP/L2820/E/86/801676/P6  
Date

22 OCT 87

Sir

TOWN AND COUNTRY PLANNING ACT 1971 (AS AMENDED): SECTION 97 AND SCHEDULES 9 AND 11  
BUILDING KNOWN AS THE OLD FARMHOUSE, PIPEWELL, NORTHANTS

1. I have been appointed by the Secretary of State for the Environment to determine your appeals. These appeals are against a listed building enforcement notice issued by the Kettering Borough Council and against a refusal of listed building consent by that Council concerning the above building. I have considered all the written representations made by you and the Council and also those made by the Parish Council. I inspected the building and its surroundings on 18 August 1987.
2.
  - i. The notice was issued on 20 August 1986.
  - ii. The contravention of Section 55(1) of the Act alleged in the notice is the replacement of windows, which affect the character of the building, without prior consent of the local planning authority.
  - iii. The requirements of the notice are the removal of all new windows and the replacement with windows which match in every detail to those originally removed.
  - iv. The period for compliance with the notice is 3 months from the date on which the notice takes effect.
  - v. The appeal was made on the grounds set out in Sections 97(1)(d) and (e) of the Act as amended.
3. The works for which listed building consent was refused were to change 3 different types of windows of poor condition (11 No.) to hardwood/leaded lights in lattice design as original.
4. The appeal building stands at right angles to the east side of the road that passes through the small village of Pipewell. It is a 2-storey limestone former farmhouse with slate roof, dating probably from the mid C19. It was added to a list of buildings of special architectural or historic interest on 5 November 1985 in grade II, with the following description:

Farmhouse now house. Probably mid C18, remodelled mid C19 for Pipewell Hall estate. Limestone ashlar with patterned slate roof. L-shape plan. 2 storeys. Main front of 4-window range with C19 lozenge panes with cast iron glazing bars under shallow stone arches to first floor and C20 casements to ground floor; 2 to left are in original openings with gauged stone heads. C19 panelled door

to left of centre has wooden gabled porch. Brick and stone stacks with diagonal flues at ridge and end. Side elevation to left has windows with cast iron glazing bars. Interior: room to left has open fireplace with bressummer. Part of group of houses upgraded by Pipewell Hall estate in early C19.

5. The exterior of building conforms generally to the above description except that modern stained double-glazed casements with a lozenge pattern of lead comes have been inserted in the window openings and the panelled door has been replaced by a half-glazed stained door, the glazing in the door having a pattern of lead comes similar to that of the windows. The east elevation also has a recent half-glazed door with clear glazing. There are a number of other limestone houses in the vicinity, some of which retain cast iron casements with either lozenge or diaper patterns of glazing bars. I was able to make a close inspection of the upper floor casement of No. 1 Rose Cottages, which appears from the Council's photographs to have a similar pattern to those formerly installed on the upper front elevation and in the side elevation to the left of your house.

6. It may be helpful to you if I explain that alterations to dwellinghouses, including the replacement of windows, are permitted subject to certain limitations by the provisions of article 3 and Schedule 1, Class I, of the Town and Country Planning General Development Order 1977 as amended. Consequently specific planning permission is not required for such works. However any alterations which would affect a listed building in any manner which would affect its character as a building of special architectural or historic interest need to be authorised by listed building consent. That requirement now applies to your house, from the date of its listing on 5 November 1985. Although apparently similar the procedures for obtaining planning permission and listed building consent are quite separate from each other.

7. Your appeal on ground (d) against the listed building enforcement notice is on the basis that the former windows could not be opened or closed properly and therefore urgent work was required. I accept that the former windows may have been in a poor state of repair and required urgent replacement. However there is no clear evidence that their condition was such that it endangered safety or health, whether of the occupants or of passers-by. I am not satisfied that the new windows that have been installed were urgently necessary in the interests of safety or health. Your appeal on ground (d) fails.

8. Regarding your appeal on ground (e) and your appeal against the refusal of listed building consent it seems to me that the main consideration is whether or not the new windows have altered the character of the listed building to the detriment of its special architectural or historic interest.

9. From my inspection and the Council's photographs I would say that the new windows have significantly altered the overall appearance of your house. Not only are the stained wooden frames and casements in marked contrast to the former white-painted members, but the lead comes fail to re-create the strong visual pattern of the windows that were replaced. I recognise your good intentions in seeking to have the lozenge pattern reproduced in the design of the new windows. However their external effect is to my eye only an echo of the style of the former windows and not in any way a satisfactory substitute for them. I consider that the character of the listed building has been significantly damaged by the installation of the new windows.

10. In my opinion the C19 cast iron windows that were installed on buildings in the village are an important architectural and historic feature that should be retained or copied whenever possible. As the 7 cast iron windows that used to be in your house seem to have been lost they should in my view be replaced by copies, in

accordance with the advice in Circular 23/77 (now repeated in Circular 8/87). I am not convinced that the possibilities of obtaining copies have been fully exhausted. In those circumstances I do not propose to grant consent for the retention of their replacements. On the other hand it appears that the remaining windows were previously wooden casements dating from earlier this century. The 3 on the ground floor that are visible in the Council's photograph 1a were to my mind of inferior design and I see little point in requiring them to be reproduced. I consider that a satisfactory compromise in the case of those windows would be for the external timbers and lead comes of the replacement windows to be painted white, so as to alleviate as far as possible the effect that their installation has had on the character of the building.

11. Your appeals on ground (e) and against the refusal of listed building consent therefore succeed but only in respect of the windows that were not of cast iron design. I propose to grant consent for their retention subject to their being painted white as I have described and to vary the terms of the listed building enforcement notice accordingly. I am satisfied that such a variation can be made without injustice to yourself or to the local planning authority. I have taken into account all the other matters raised in the written representations, including what you have said about the discussions with Council officers before the present windows were installed. However those matters are in my opinion outweighed by the considerations which have led to my decision.

#### FORMAL DECISIONS

12. For the above reasons, and in exercise of the powers transferred to me, I hereby:

a. allow your appeal so far as it relates to the replacement of windows that were not of cast iron design and grant listed building consent for the retention of hardwood/leaded lights in lattice design in those windows only, subject to the condition that the external timbers and lead comes shall be painted white not later than 3 months from the date of this letter; and

b. direct that the listed building enforcement notice be varied by the deletion from Schedule 3 of the steps required to be taken and the substitution therefor of the following steps:

i. the removal of those new windows that replaced windows that were of cast iron design (7 No.) and their replacement with windows which match every detail of those originally removed; and

ii. the painting white of the external timbers and lead comes of the remaining new windows that have been installed.

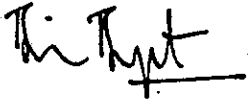
Subject thereto I dismiss your appeal against the listed building enforcement notice, uphold the notice as varied and refuse to grant listed building consent for the retention of the works alleged to have been carried out in contravention of Section 55(1) of the 1971 Act.

13. This decision does not convey any approval or consent required under any enactment, byelaw, order or regulation other than Sections 55 and 56 of the Town and Country Planning Act 1971.

RIGHT OF APPEAL AGAINST DECISION

14. This letter is issued as the determination of the appeals before me. Particulars of the rights of appeal against the decision to the High Court are enclosed for those concerned.

I am Sir  
Your obedient Servant



B D BAGOT BA(Arch) MCP RIBA MRTPI FRSA  
Inspector

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