

23/12/0026/LB

MR M J KING

REPLACEMENT OF WINDOWS AND DOORS AND ENLARGEMENT OF WINDOW OPENING TO THE EAST ELEVATION TO FORM A DOORWAY AT PRESTON FARM, PRESTON BOWYER, MILVERTON (RETENTION OF WORKS ALREADY UNDERTAKEN)

Grid Reference: 313769.126259

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

(A) Recommended Decision: Refusal

The window finish harms the appearance and the significance of the listed building and is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, Core Policy 8 (Environment) of the Taunton Deane Core Strategy 2011- 2028 and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings. It therefore fails to preserve the listed building and conflicts with the duty outlined at Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(B) That a Listed Building Enforcement Notice is served requiring the painting of the windows and that the Solicitor to the Council be authorised to take prosecution action in the event that the notice is not complied with.

PROPOSAL

Replacement of windows and doors, enlargement of existing window opening to east elevation to form doorway.

SITE DESCRIPTION AND HISTORY

The farm is situated on a sharp bend of the busy B3227 on the eastern edge of Preston Bowyer village, between Hillcommon and Milverton. Preston Farmhouse is a grade II listed building probably originating in the C17 but subsequently much altered and extended to give its current C18/C19 appearance. The former windows were all C20 and of no historic significance and included an unauthorised PVCu window that was the subject of a planning enforcement case (E14/23/2009). In 2011, an application (23/11/0013/LB) was approved to replace these windows with painted double glazed units. This current application seeks to change the finish of the windows from the approved black paint to a woodstain.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

MILVERTON PARISH COUNCIL - The Parish Council understands that this application refers to the need for consent to stain the window frames as opposed to painting them. The Parish Council also understands that TDBC has no view in relation to the colour of the paint merely that it requires paint above woodstain, so for example brown paint would be acceptable. The parish council supports the application and wishes to express its grave concern that planning legislation is being used inappropriately to control minor matters of a cosmetic nature.

Representations

CLLR GWIL WREN, WARD MEMBER - I support the above application to retain the woodstain finish on the window frames.

CLLR TONY MCMAHON, COUNTY COUNCILLOR - I have received a number of correspondences relating to the above and have viewed the said windows many times. I have to agree that initially they did not seem to be a faithful replacement of the previous black-framed windows. However, having now become accustomed to them I believe they enhance the property and are an improvement on their predecessors. I understand that you cannot allow a precedent to be established but would request that in applying the need for black window frames you then qualify it with a 'no need for enforcement until replaced or the owner decides so to do.'

A total of 32 letters of support have been received. In summary, these state that the stained windows represent an improvement over the previous metal Critall windows, that they enhance the building and should be allowed to remain. Some respondents stated that a paint finish would not be as durable as staining.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
S&ENPP9 - S&ENP - The Built Historic Environment,
CP8 - TD CORE STRATEGY- ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

This application arises from the recently approved application (23/11/0013/LB). This included replacing the existing metal (and unauthorised PVCu) windows. The application stated that the new windows would be painted black to match the then existing windows. Listed building consent was granted on this basis and a condition was also included in the decision notice to this effect. Contrary to this consent, the windows were subsequently installed with a light-oak coloured stain finish. This deviation from the consent was not authorised and under Section 9 of the Planning (Listed Buildings and Conservation Areas Act) 1990 constitutes an offence. The applicant has therefore submitted this current retrospective application to regularise the situation.

The requirement for black painted windows was firstly, because the former metal windows were painted this colour and secondly, because a painted finish is traditional on farmhouses of the C18/C19. The windows predating the metal windows would have almost certainly been softwood and historically these would always have been painted. Staining window frames is a relatively recent practice that became popular in modern buildings in the late C20. In the C16 and C17, external joinery would often have been protected by limewash and from the C18 painted. The facade of Preston Farmhouse is C18/C19 in appearance and the approved windows are broadly in keeping with this, although Taunton Deane Borough Council allowed double glazing in this case.

Stained windows are therefore historically inaccurate and not appropriate on listed buildings of a C18/C19 appearance. The requirement for a painted finish in these circumstances is endorsed by all the national conservation bodies and this advice is consistently applied by local planning authorities, including Taunton Deane. For example, the 2004 guidance from the Georgian Group states that 'Stained or varnished hardwood windows are becoming far more common. But whilst they are certainly better than plastic or metal examples they are still historically incorrect in a Georgian facade. If you have to use hardwood windows, make sure they are painted.'

I note the public support for this application but it should also be borne in mind that as the works have already been undertaken the comments relate to the perceived improvement from the former metal and PVC windows. None of the respondents have had the opportunity to view the new windows with the agreed black finish. Indeed, there were no negative responses from any party to this aspect of the original application. Regarding the longevity of paint, which is questioned by some respondents, there are various traditional types currently available, such as linseed paint, which will last a minimum of 14 years before repainting is required and are more environmentally friendly than wood stain.

While the windows themselves remain acceptable, I cannot endorse their current unauthorised finish. This is out of line with the previously granted consent and the traditional painted finish expected on a historic building of this period. The window finish detracts from the character and appearance of this listed building and is contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review, CP8 of Taunton Deane Core Strategy 2011- 2028, and Section 12 of the National Planning Policy Framework in respect of proposals relating to listed buildings.

I therefore recommend that: a) this application is refused on the grounds that it fails to preserve or enhance the character and appearance of this listed building; and b) that enforcement action is taken under Section 38 of the 1990 Act to ensure that the window finish complies with the earlier consent.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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