

# ENFORCEMENT INFORMATION

# REGISTER SHEET

E/ 466

APPEAL yes ☒ no ☐

Plan's Refn/87/0393/ENF

## ADDRESS

6. LONDON RD  
CHIPPENHAM

## BREACH of CONTROL

THE REMOVAL OF THE FIVE WINDOWS  
(ON THREE STOREYS) TO THE FLOORS  
REDAUTION OF THE BUILDING AND  
THEIR REPLACEMENT WITH STAINED  
WOOD FRAMES GLAZED WITH SINGED  
SHEETS OF GLASS

Issuing Authority

Date Issued 1.12.86

## STOP NOTICES

Date Served

Date(s) served

Requiring

1.12.86

Takes effect 12.1.87

Date withdrawn

Compliance by 12.3.87

Dates Extended by  
Secretary of State

appeal allowed.

Enforcement checked.

## REQUIREMENTS of ENFORCEMENT

TO REMOVE THE FRAMES REFERRED TO AS SCHEDULED 2  
ABOVE AND REPLACE WITH RECESSED DOUBLE HUNG  
PAINTED TIMBER SASH WINDOWS WITH SASH BOXES, SUCH  
SASH TO HAVE SINGED VERTICAL GLAZING BAR AND  
THE UPPER SASHES TO HAVE HORNS

FOR RESTORING THE BUILDING TO ITS FORMER STATE.

EXTENT to WHICH NOTICE COMPLIED WITH (dates)

2/1/21

2/1/21

2/1/21

2/1/21

R. Brown

# IMPORTANT -

THIS COMMUNICATION AFFECTS  
YOUR PROPERTY

District Secretary's Department,  
G. C. Betteridge, LL.B., (Solicitor),  
District Secretary



## North Wiltshire District Council

Monkton Park,  
Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 654188.  
Ext. 132

Our ref **E** 466

Enquiries to Mr. McDonald

Dear Sir/Madam,

1st December, 1986.

## NORTH WILTSHIRE DISTRICT COUNCIL TOWN AND COUNTRY PLANNING ACT 1971 (as amended) **LISTED BUILDING ENFORCEMENT NOTICE**

6 London Road, CHIPPENHAM.

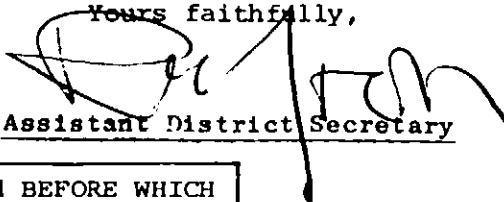
The Council have issued a Listed Building Enforcement Notice relating to the above property and I now serve on you a copy of that Notice, in view of your interest in the premises.

Unless an Appeal is made to the Secretary of State, as described below, the Notice will take effect on the date shown in the box below and you must then ensure that the required steps for which you may be held responsible are taken within the period or periods specified in the Notice.

If you wish to appeal against the Notice, you or your agent should write to the Secretary of State for the Environment, Room 903, Tollgate House, Houlton Street, Bristol, BS2 9DJ setting out the grounds of appeal and stating briefly the facts on which it is proposed to rely in support of each of those grounds. Extracts from the Act are copied on the accompanying papers and your attention is drawn in particular to the list of grounds of appeal at Section 97(1) (a) to (k). You should enclose with any appeal the extra copy sent herewith of the Notice. **ANY APPEAL MUST BE RECEIVED BY THE DEPARTMENT OF THE ENVIRONMENT BEFORE THE NOTICE TAKES EFFECT.**

The reasons why the local planning authority consider it expedient to issue the Notice are briefly set out in the ANNEX overleaf.

Yours faithfully,

  
Assistant District Secretary

DATE ON WHICH NOTICE TAKES EFFECT and BEFORE WHICH  
ANY APPEAL MUST BE RECEIVED - 12 January, 1987

To:

Mr. Philip Pead,  
6 London Road,  
Chippenham,  
Wilts.

**ANNEX - (This does not form part of the Enforcement Notice)**

*The alterations are detrimental to the character and appearance of the listed building and to the character and appearance of the terrace of which this building forms a part.*

NORTH WILTSHIRE DISTRICT COUNCIL  
TOWN AND COUNTRY PLANNING ACT 1971 (as amended)  
**LISTED BUILDING  
ENFORCEMENT NOTICE**

6 London Road, CHIPPENHAM.

WHEREAS :

- (1) It appears to the North Wiltshire District Council ("the Council") being the local planning authority for the purposes of Section 96 of the Town and Country Planning Act 1971 ("the Act") in this matter, that works have been / ~~are being~~ executed to the listed building in their area described in Schedule 1 below such as to involve a contravention of Section 55 of the Act.
- (2) The contravention which appears to have taken place is described in Schedule 2 below.
- (3) The Council consider it expedient, having regard to the effect of the said works on the character of the listed building as one of special architectural or historic interest and to all other material considerations, to issue this listed building enforcement notice, in exercise of their powers contained in the said Section 96, for the reasons set out in the ANNEX to this Notice.

NOTICE IS HEREBY GIVEN that the Council require that the steps specified in Schedule 3 below be taken for the purposes set out in that Schedule within the period of two months from the date on which this Notice takes effect.

THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 97 of the Act, on 12 January, 1987

ISSUED 1st December, 1986.

Signed \_\_\_\_\_

Monkton Park,  
Chippenham, SN15 1ER

/ SCHEDULE 1 . . . . .

(over)

SCHEDULE 1 - LISTED BUILDING TO WHICH THIS NOTICE REFERS

No. 6 London Road, Chippenham, Wiltshire, listed Grade II shown stippled on the attached plan.

SCHEDULE 2 - THE CONTRAVENTION

The removal of the five windows (on three storeys) to the front elevation of the building and their replacement with stained wood frames glazed with single sheets of glass.

SCHEDULE 3 - STEPS REQUIRED TO BE TAKEN

- To remove the frames referred to at Schedule 2 above and replace with recessed double hung painted timber sash windows with sash boxes, each sash to have single vertical glazing bar and the upper sashes to have horns.
- for restoring the building to its former state.



6 London Road, CHIPPENHAM.

Received 10 May 1997; accepted 10 July 1997

Mrs. J. Warch



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

Common Services

Room 141 Tollgate House Houlton Street Bristol BS2 9DJ

Telex 449321

Direct line 0272-218 938

Switchboard 0272-218811

Council Ref: E466 N 87 0393 ENF

Your reference

Mr and Mrs P D Pead  
6 London Road  
CHIPPENHAM  
Wiltshire  
SN15 3AT

Our reference

T/APP/J3910/F/87/8 and 9/P6

Date

11 JAN 88

Sir and Madam

*Appeal allowed  
Enforcement Quashed*

TOWN AND COUNTRY PLANNING ACT 1971 (AS AMENDED): SECTION 97 AND SCHEDULE 9  
BUILDING AT 6 LONDON ROAD, CHIPPENHAM

1. I have been appointed by the Secretary of State for the Environment to determine your appeals against a listed building enforcement notice issued by the North Wiltshire District Council concerning the above building. I have considered the written representations made by you, by the council and by the Chippenham Town Council and I inspected the site on 2 September 1987. Neither of you attended the site visit and as I could see the windows which are the subject of the notice, I asked the council's officer to leave and I made an inspection unaccompanied.
2.
  - i. The notice was issued on 1 December 1986.
  - ii. The contravention of section 55(1) alleged in the notice is the removal of the 5 windows (on 3 storeys) to the front elevation of the building and their replacement with stained wood frames glazed with single sheets of glass.
  - iii. The requirement of the notice is to remove the frames referred to above and replace with recessed double hung painted timber sash windows with sash boxes, each sash to have a single vertical glazing bar and the upper sashes to have horns.
  - iv. The period for compliance is 2 months.
  - v. The appeals were made on the grounds set out in section 97(1)(a), (e) and (i) of the 1971 Act as amended.
3. The terrace in which your house is located is at a road junction where The Butts joins the very busy A4 London Road. A new relief road is under construction on the far side of London Road, opposite the terrace. At present the vicinity has a somewhat run down, shabby appearance. The terrace consists of 6 stone faced 3 storey buildings, 2-12, with the ground floor of No 12 as a retail shop, and part of the ground floor of No 2 as a passageway through to the rear. Three of the properties have their facades painted. Nos 4, 8 and 12 retain their sash windows, and of these No 4 has a small-paned type without horns, and 8 and 12 have a horned type with only a single, central glazing bar. No 8 has its windows in a deep recess whereas the others are relatively shallow. The double-fronted facade of No 2 has casement windows,



which do not appear to be of recent installation. Modern plastic faced windows have been inserted into No 10, not in a matching style to the neighbouring windows of 8 and 12. There is a corrugated plastic canopy projecting above the shop window. All the houses except the shop have short front gardens, with low stone walls to Nos 2, 4 and 6, a wooden picket fence to No 8, and metal railings to No 10.

4. You have inserted wooden windows, stained a dark brown, and with a single pane at each window. The front door is also constructed of a dark brown wood with small pane glazing for its full height.

#### The appeals on ground (a)

5. Here you say that the building is not of special interest, nor is the terrace, and although you do not produce any detailed argument to support this contention, you appear to rely on the fact that 3 of the houses are painted and one is a shop. For an appeal to succeed on this ground, which in effect challenges the listing, a considerable burden of proof rests with you and a single assertion is insufficient. While I note that several of the houses have been altered since their original construction, I have no reason to doubt that the criteria for selection for listing set out in Appendix 1 to Circular 8/87 were followed in this case, and that the building was justifiably included on the statutory list despite the already altered facades. The appeals on this ground fail.

#### The appeals on ground (e)

6. These windows were inserted because you were worried about noise and dirt from the roadworks nearby. In your opinion they are not out of keeping with the rest of the terrace and its surroundings, particularly the new road junction. I consider that you have a valid point in that the present appearance of the terrace is not one of unity, nor indeed do some of the alterations have great aesthetic merit. I do not however regard this as justifying further unsympathetic changes, especially when, as here, a particularly intrusive detail is incorporated; that is, the dark staining of the wood. This is in my view a treatment quite alien to the period of the building and in such a relatively prominent place, a very jarring feature.

7. The other principal reason the local authority put forward for taking enforcement action concerns the relationship of the window to the stone reveal. I was not able to inspect this aspect of the installation closely, but I could observe that the set back of the windows from the face of the building is not consistent throughout the terrace, with only No 8 having deeply set windows. Most of the others are set back roughly the same distance or perhaps slightly more than yours, and whether a reveal exists at all in these other window openings is not certain in my mind. Nevertheless your windows themselves I find to be so far out of keeping with the listed building into which they are inserted as to warrant dismissing the appeals on this ground.

#### The appeals on ground (i)

8. The previous windows in this house were, you say, not sash windows, although you do not say what they were and the council apparently has no record, apart from the listing description which only mentions sash windows in the terrace as a whole, and seems to be an incomplete description in any case, as I report above.

9. A listed building enforcement notice cannot require a building owner to carry out works that would have the effect of restoring a building to an architecturally better condition than existed before the unauthorised works were carried out. The

local authority are in my opinion on unsure ground in their reliance on the listing description which I found not specific to the appeal premises, and was in any case related to a list published 9 years ago. Much could, and apparently has changed meanwhile. In requiring the restoration of the building to its former state, the local authority are under an obligation in my opinion to make clear what that former state was. This they have failed to do and I propose to give you the benefit of the uncertainty over this point and conclude that the previous windows were not the type the council wish to see restored. The appeals on this ground therefore succeed.

10. I have considered the possibility of varying the notice to require a different style of window to be inserted from the one the local authority specified in their Schedule, or to require a lesser action on your part, say the painting of the frames to match the uniform white of the rest of the older windows in the terrace. As, however the requirements of the notice are directed towards restoring the building to its former state, it is in my view not open to me to substitute for those requirements (imposed under the provisions of section 96(1)(b)(i) of the 1971 Act), other requirements the aim of which would be to alleviate the effects of the works you have carried out without listed building consent, as such requirements would be imposed under a different sub-section of the Act, section 96(1)(b)(ii). It is of course open to the local planning authority to issue another notice requiring such action, if they should think it expedient to do so.

11. I have taken account of all the other matters raised but do not find that they lead me to any other conclusion.

#### FORMAL DECISION

12. For the above reasons and in the exercise of the powers transferred to me, I hereby allow your appeals and direct that the listed building enforcement notice be quashed.

#### RIGHT OF APPEAL AGAINST DECISION

13. 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

*P W Robinson*

P W ROBINSON Architect  
Inspector

ENC

**IMPORTANT -**  
**THIS COMMUNICATION AFFECTS**  
**YOUR PROPERTY**

District Secretary's Department,  
G. C. Betteridge, LL.B., (Solicitor),  
District Secretary



**North Wiltshire**  
**District Council**  
Monkton Park,  
Chippenham,  
Wiltshire, SN15 1ER.  
Tel. Chippenham (0249) 654188.  
Ext. 132

R. BURTON  
5466

Our ref **E** 466 Enquires to Mr. McDonald

Dear Sir/Madam,

1st December, 1986.

**NORTH WILTSHIRE DISTRICT COUNCIL**  
**TOWN AND COUNTRY PLANNING ACT 1971 (as amended)**  
**LISTED BUILDING**  
**ENFORCEMENT NOTICE**

6 London Road, CHIPPENHAM.

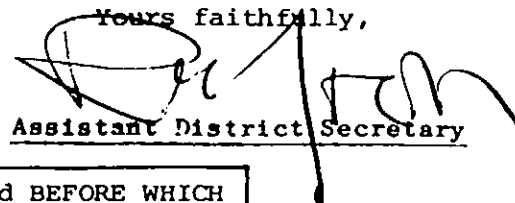
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Yours faithfully,

  
Assistant District Secretary

DATE ON WHICH NOTICE TAKES EFFECT and BEFORE WHICH  
ANY APPEAL MUST BE RECEIVED - 12 January, 1987

To:

Mr. Philip Pead,  
6 London Road,  
Chippenham,  
Wilts.

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THIS NOTICE SHALL TAKE EFFECT, subject to the provisions of Section 97 of the Act, on 12 January, 1987

ISSUED 1st December, 1986.

Signed \_\_\_\_\_

Monkton Park,  
Chippenham, SN15 1ER

/ SCHEDULE 1 . . . .  
(over)

SCHEDULE 1 - LISTED BUILDING TO WHICH THIS NOTICE REFERS

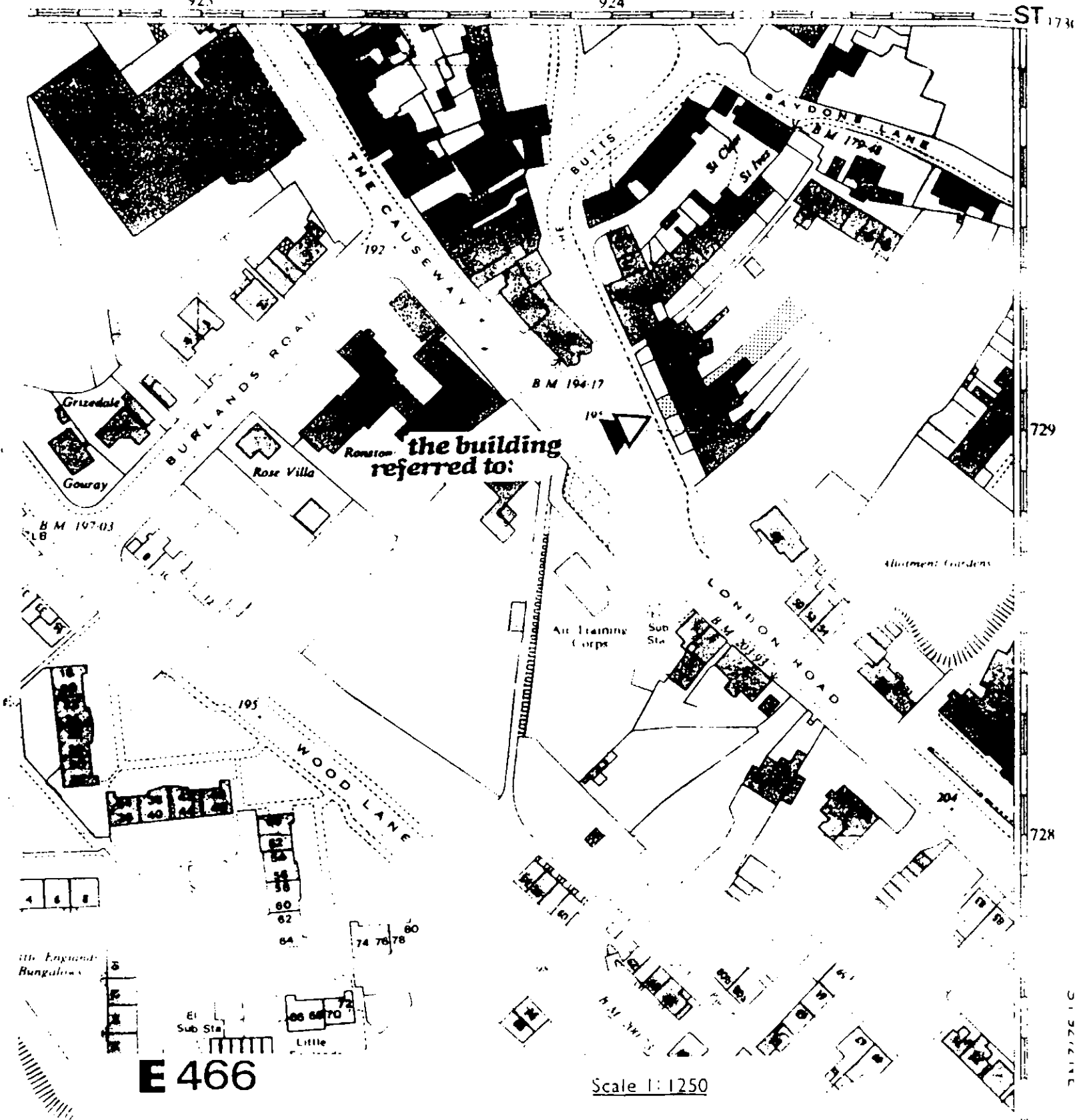
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TOWN AND COUNTRY PLANNING ACT 1971 (as amended)  
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Wiltshire District Council  
Planning Department  
Chippenham, Wiltshire