
Appeal Decision

Site visit made on 8 September 2016

by P N Jarratt BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/A5840/F/16/3142108

Flat D 1 Consort Road, London, SE15 2PH

- 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 Will Stoker against a listed building enforcement notice issued by the Council of the London Borough of Southwark.
 - The enforcement notice, numbered 15/EN/0386, was issued on 2 December 2016.
 - The contravention of listed building control alleged in the notice is without listed building consent the alteration of the building by demolition of and removal of a section of front boundary wall of the building and its supporting pier, as well as a free standing pier framing the front entrance path to the main street door of the building as shown in photographs 1 to 7 of Appendix 1 to the notice.
 - The requirements of the notice are that:
 - The wall and pier should be rebuilt to match original fabric adjoining, using original bricks and coping stones. The bond, fine jointing, detail and design of the brickwork should follow that in the remainder of the wall and as shown in photograph 8 of Appendix 1 to the notice.
 - The free standing pier should be rebuilt to match as closely as possible the pier supporting the wall on the opposite side of the front entrance path.
 - The completed steps should resemble as closely as possible the removed wall and pier shown in photograph 8 of Appendix 1 to the notice.
 - The period for compliance with the requirements is one month.
 - The appeal is made on the grounds set out in section 39(1) (e), (g) and (i) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - **Summary of decision: appeal dismissed and notice upheld**
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Procedural Matters

1. In the absence of the appellant at the site visit, I advised the local authority representative that as the allegation related to unauthorised works visible from the public highway I was able to carry out an unaccompanied site inspection.

Site and surroundings

2. The appeal property is a grade II listed detached nineteenth century house converted into flats. It is one of a number of similar buildings and it is situated in the Camberwell New Road Conservation Area. The front wall is an unusual canted structure of fine workmanship which has been partially demolished at one end. There is a parking space between what remains of the wall and the building. Other buildings in the street have similar walls.

The appeal on ground (e)

3. An appeal on this ground is that listed building consent should be granted for the works. I consider that the main issue in the appeal on ground (e) is the
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effect of the work on the special architectural or historic character of the listed building and its setting.

4. The wall is a significant feature through its design and materials which contributes positively to the special architectural and historic character of the listed building and contributes to the character and appearance of the Conservation Area. The removal of part of the wall, its supporting pier and a free standing pier causes significant harm to the listed building and detracts from the appearance of the Conservation Area.
5. The appellant makes reference to the submission of a retrospective planning application but no plans have been submitted. The appellant also refers to the rebuilding of both pillars and the wall at an adjusted width but in the absence of sufficient details it is not possible to fully understand how such works could be carried out that would overcome the harm to the listed building.
6. I consider that the harm caused would be less than substantial in the context of paragraph 134 of the National Planning Policy Framework in respect of conserving and enhancing the historic environment. However, this is not outweighed by the appellant's wish to enable an additional vehicle to be parked in front of the building, as this would not represent a public benefit.
7. I have had regard to the adjustments made to other front walls of similar properties in the street but this does not justify the harm caused to the appeal property. A wall at 9 Consort Road was subject to a listed building enforcement notice requiring the wall to be restored and this has now been carried out.

The appeal on ground (i)

8. An appeal on this ground is that the steps required by the notice for the purpose of restoring the character of the building to its former state would not serve that purpose.
9. The appellant contends that the demolished free standing pier was of newer brickwork than that of the original building and that the restoration of the character of the building would not be achieved. Whilst the pier may not have been original, the Council maintains that it is part of the original design of the wall and is consistent with other nearby properties. I have no contrary evidence before me to suggest otherwise and as the character and setting of the building has been harmed by the unauthorised works, this can only be restored by carrying out the steps in the notice.
10. The appeal on this ground fails.

The appeal on ground (g)

11. An appeal on this ground is that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.
12. The Council has identified the state of the wall in Photograph 8 at Appendix 1 of the enforcement notice. The notice requires the wall to be rebuilt to this specification and as such, the steps do not exceed what is necessary to restore the wall to its condition before the breach took place.
13. The appeal on this ground fails.

Formal Decision

14. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused 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.

P N Jarratt

Inspector