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## Appeal Decisions

Site visit made on 4 February 2020

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

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

**Decision date: 14 February 2020**

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### **Appeal A – Notice 1 - Ref: APP/V5570/F/19/3226297**

#### **132 Cloudesley Road, London N1 0EA**

- 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 St Ledger Investments Limited against a listed building enforcement notice (LBEN) issued by the London Borough of Islington (the LPA).
  - The enforcement notice, numbered ENF/2016/388 was issued on 27 February 2019.
  - The contravention of listed building control alleged in the notice is: *unlawful alterations to the northern side elevation of the rear outrigger and northern, southern and eastern elevations of the chimney stack of the dwelling with the installation of light coloured rendering over existing brickwork*.
  - The requirements of the notice are set out in the schedule below.
  - The period for compliance with the requirements is 6 months.
  - The appeal is made on grounds (e), (h) and (i)) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).
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### **Appeal B – Notice 2 - Ref: APP/V5570/F/19/3226299**

#### **134 Cloudesley Road, London N1 0EA**

- 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 St Ledger Investments Limited against a listed building enforcement notice (LBEN) issued by the London Borough of Islington (the LPA).
  - The enforcement notice, numbered ENF/2017/73 was issued on 27 February 2019.
  - The contravention of listed building control alleged in the notice is: *unlawful alterations to the whole of the rear elevation of the host property, the rear and southern side elevations of the rear two storey outrigger, the eastern and southern elevations of the chimney stack of the building on the land and the party wall and northern and rear elevations of the chimney stack to the boundary with 132 Cloudesley Road, of the dwelling with the installation of light coloured rendering over existing brickwork*.
  - The requirements of the notice are set out in the schedule below.
  - The period for compliance with the requirements is six (6) calendar months.
  - The appeal is made on grounds (e), (h) and (i) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).
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### **Appeal C – Notice 3 - Ref: APP/V5570/F/19/3226300**

#### **148 Cloudesley Road, London N1 0EA**

- 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 St Ledger Investments Limited against a listed building enforcement notice (LBEN) issued by the London Borough of Islington (the LPA).
- The enforcement notice, numbered ENF/2017/79, was issued on 27 February 2019.
- The contravention of listed building control alleged in the notice is; *unlawful alterations to the whole of the rear elevation of the host property, the rear and southern side elevations of the rear two storey outrigger, the eastern and southern elevations of the*

*chimney stack of the building on the land and the party wall and northern elevation of the chimney stack to the boundary with 146 Cloudesley Road, of the dwelling with the installation of light coloured rendering over existing brickwork.*

- The requirements of the notice are set out in the schedule below.
  - The period for compliance with the requirements is six (6) calendar months.
  - The appeal is made on grounds (e), (h) and (i) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).
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#### **Appeal D - Notice 4 - Ref: APP/V5570/F/19/3226301 150 Cloudesley Road, London N1 0EA**

- 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 St Ledger Investments Limited against a listed building enforcement notice (LBEN) issued by the London Borough of Islington (the LPA).
  - The enforcement notice, numbered ENF/2017/76, was issued on 27 February 2019.
  - The contravention of listed building control alleged in the notice is: *unlawful alterations to the whole of the rear elevation of the host property, the rear and southern side elevations of the rear two storey outrigger, the eastern and southern elevations of the chimney stack of the building on the land and the party wall and northern and rear elevations of the chimney stack to the boundary with 148 Cloudesley Road, of the dwelling with the installation of light coloured rendering over existing brickwork.*
  - The requirements of the notice are set out in the schedule below.
  - The period for compliance with the requirements is six (6) calendar months.
  - The appeal is made on grounds (e), (h) and (i) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (PLBCAA).
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#### **Decisions**

1. All 4 appeals succeed to a limited degree on ground (h) only. Otherwise all 4 appeals are dismissed and the LBENs are upheld as varied. See formal decisions.

#### **Introduction**

2. LBENs had been issued on 9 August 2017 relating to the works which are the subject of these notices and appeals were submitted. However, the appointed Inspector identified serious defects in the notices. It was found that the requirements as set out were not in accordance with section 38(2) of the PLBCAA and there was no certainty of what was required of the appellants. The notices were therefore quashed and the current notices were issued. I consider that these current notices accord with section 38(2). The steps required are unambiguously set out in each of the notices (See Schedule below).

3. As indicated above there are four separate notices (1, 2, 3 and 4) and four separate appeals (A, B, C and D). In each case the appellant is the same; St Ledger Investments Limited, a property development company. All four appeals properties have been converted and now comprise tenanted units of residential accommodation. I visited each property during my site visit but only needed access to the lower ground floor areas and to the rear gardens. I was able to inspect all of the matters referred to in each of the LBENs and also noted matters which had been referred to in the representations, including the sample areas where render had been removed.

4. I also walked around and inspected this part of the Barnsbury Conservation Area (BCA) and noted its overall character and appearance. In doing so I was able to view the main parts of the rear elevations of each of the appeal properties, from both the nearby access to Cloudesley Square (to the south-east) and from Dowrey Street (to the north east). I also noted the general appearance and condition of the brickwork to

most of the rear elevations of Nos 118 to 166 (the terrace of 13 properties), as well as some of the others in the immediate surrounding streets and other parts of the BCA.

5. In each case the unauthorised works carried out relate to the rendering of various sections of the rear elevations and the chimney stacks. At No 132 only part of the rear offshoot (northern party wall elevation) and the chimney stack have been rendered, whereas for Nos 134, 148 and 150 the whole of the rear elevations and chimney stacks have been rendered. At No 148 the boundary, or flank wall, to No 146 has also been rendered. In Notice No 3 this is referred to as *'the party wall and northern elevation of the chimney stack to the boundary with No 146'*.

6. All appeals are made on the same three grounds (e, h and i). The main issues in each case under the ground (e) appeals are the same and I have set them out below. Similarly the matters relating to the appeals on grounds (h) and (i) are the same. However, having defined the issues and relevant matters, I have then referred to each of the four appeal properties separately and in more detail. The Council and the appellant company have produced separate statements for each appeal but there are clearly common threads to each case. I have, therefore, summarised the gist of the respective cases before considering each separate property/appeal.

### **Background information and relevant policy**

7. Each of these early to mid-19<sup>th</sup> century, terraced properties (between Nos 118 and 166) is listed in Grade II and comprises a three-storey, late Georgian, terraced, town house with basement. To the front elevations the listed buildings generally feature yellow and/or multi-coloured stock brick, set in Flemish bond with stucco dressings. Between properties and to their rear elevations rear there are brick-built, party wall chimney stacks.

8. The front elevations feature low steps, doorways with fluted quarter columns, panelled doors, fanlights and round-arched ground floor sash and case windows. The pointed brickwork, to the rear elevations of the un-rendered and majority of the properties along this section of the road, varies in terms of type and colour of brick as well as different shades of pointing. I refer to this in more detail below.

9. At first floor level to the front there are full length sashes set in arched recesses with stucco sill bands. These windows have individual cast-iron balconies with a spider-web pattern to the railings. There are gauged brick flat arches to the second floor sash windows with stucco sill bands.

10. The BCA is characterised, amongst other things, by similar properties of similar ages to the appeals properties and the use of varied stock brickwork and traditional Georgian construction and detailing are common features. I have noted the relevant parts of the Barnsbury CA10 -Conservation Area Design Guidelines.

11. The most relevant policies are Policy 7.8 (Sustaining and enhancing the significance of heritage assets) of the London Plan 2016 (LP); Policy CS9 (Protecting and Enhancing Islington's built and historic environment) of the Core Strategy 2011 (CS) and policies DM2.1 (Design) and DM2.3 (Heritage) of Islington's Local Plan: Development Management Policies 2013 (LPDMP). Other documents which are material planning considerations are the Islington Urban Design Guide (IUDG); the Barnsbury CA10 Conservation Area Guidelines (BCAG) and the Design and Conservation Guide 10 2016 (DCG).

12. The National Planning Policy Framework (NPPF) is a major material consideration and in reaching my conclusions in all 4 appeals I have had regard in particular to sections 12 (Achieving well-designed places) and 16 (Conserving and enhancing the

historic environment). Because all four appeal buildings are listed in Grade II and within the BCA, I have also had special regard and paid special attention to the requirements of sections 16(2) and 72 of the PLBCAA. I have also taken into account relevant sections of Planning Practice Guidance (PPG) relating to the historic environment.

### **The Appeals on Ground (e)**

13. The main issues in each of the four appeals are as follows:

- The effect(s) of the light-coloured rendering works on the character and integrity of each of the listed buildings;
- The effect(s) on their settings and their features of special architectural and historic interest and;
- The effect(s) on the character and appearance of the conservation area.

#### *The general gist of the case for the appellant company relating to all four properties*

14. It is stressed that the rear elevation of the whole terrace is made up of a wider range of brick types, bonds and general arrangement. It is also indicated that much of the brickwork to the rear elevations of the appeal properties is of poor, clinker- style brickwork, as can be seen in adjacent and nearby properties and that there is no consistent brick used. Reference is also made to other properties where render has been used to cover the various types and quality of brickwork.

15. It is further argued that the rear elevations of the properties are of less significance than the front elevation and that the render used has not impacted on the significance or character of the listed building status which is mainly concerned with the frontage of the terraces. It is indicated that, in relation to the significance of the buildings, the rear elevations were purposely designed and built to a lesser quality than the front elevations. It is considered, therefore that listed building consent ought to be granted for the rendering works.

#### *The general gist of the case for the Council relating to all four properties*

16. The Council refers to the fact that, other than the appeal buildings, the majority of the rear elevations of the buildings in the terrace are faced with pointed brickwork. It is indicated that, whilst there are differing brick types, bonds and quality of bricks, there is uniformity across the rear of the listed terrace. It is stressed that this uniformity of a pointed brickwork finish is consistent for both the principal and rear elevations of the listed terrace. It is further stressed that the whole of each building is listed and that the rear elevations still form part of the significance of the listed buildings. Reference is made to views of the rear elevations of the terrace being available from Richmond Avenue (Dowrey Street) to the north-east and from the entrance to Cloudeley Square to the south-east.

17. It is further contended that the render appears to be predominantly cement-based, rather than being lime-based, resulting in it not being breathable and, therefore, likely to lead to dampness issues in the future. The Council considers that due to the rendering of the brickwork, particularly the loss of its historic appearance and the quality of the render material used, there has been a detrimental impact on the architectural integrity of the four properties. For the same reasons it is also considered that the works neither preserve nor enhance the character or appearance of the BCA.

*My assessments in relation to each appeal/property*

**Appeal A: Notice 1: No 132**

18. Because the only wall to have been rendered is that facing into the yard of No 134, the visual impact of the works carried out to No 132 are not as directly noticeable as those carried out to the three other properties where the whole of the rear elevations have been rendered. However, from a distance (Cloudesley Square and Dowrey Street), as well as from the rear garden, the rendered chimney stack, in my view, is still perceived as an alien and obtrusive addition to the rear elevation. When looking along the line of the rear elevations of the terrace the rendered stack contrasts markedly with the regular and constant brick stacks of Nos 118 to 132 and beyond to No 166 at the end of the terrace.

19. These brick built stacks (with 4 or 5 pots) protrude above the butterfly roofs/parapets of the properties. Where that part of the brick stack protrudes in front of the face of the rear elevations, the continuity of brickwork is evident and gives a full understanding of the continuity and design of the stacks. The rendering, of the stack at No 132 however, results in the stack being perceived in two parts. One part traditional brickwork (extending back towards the roof) and one part render (projecting from the face of the rear elevation). The overall result, in my view, is that the stacks are seen as a two part element to the rear of the building.

20. Albeit it just a rendered stack, I consider that this is detrimental to the character and integrity of the overall design of the building. As indicated by the Council the brickwork to the rest of the terrace is constant to both main elevations. I find that the introduction of rendering to the stack and to the one wall of the rear offshoot are visually harmful to the character of the building and to its rear garden setting. I have already identified above that I consider it has also harmed one of the building's special features of architectural and historic interest; namely the chimney stack.

21. I have noted that the offshoot wall has been rendered in two separate sections and that there is a suggestion that the approximately 1m deep top section may have the subject of a former approval. However, there are no details before me to confirm that this is the case and, even if that part is approved, it does not alter my position regarding the major part and lower section of rendering.

22. In addition to my concern about the render finish itself and its effect on the integrity of the listed building, I also consider that the manner in which the works have been carried out is far from acceptable. The render to this section of wall has been inappropriately finished where it meets the brickwork. Instead of a 'render-stop', a 'render corner' bead has been used leaving the exposed galvanised mesh, dabbed with cement on to the face of the pointed brickwork.

23. Thus, even if the render itself had been acceptable, the shoddy and unprofessional nature of the workmanship would have been another reason to reject the works as carried out to the rear No 132. Before moving on to consider the works at No 134, I noted that the condition of the brickwork to the rear offshoot of No 132 was in reasonable condition and that it had been reasonably pointed.

24. In conclusion for No 132 and on the basis of my findings above, I consider that the works have caused harm to the character of the building, to its setting and to its features of special architectural and historic interest. It follows that I do not consider that it preserves or enhances the character or appearance of the BCA. I do not, therefore, consider that LBC should be granted for the retention of works as carried out and the appeal on ground (e), in Appeal A, must fail.

### **Appeal B: Notice 2: No 134**

25. The whole of the rear elevation, as well as the chimney stack has been rendered at this property. Having seen the works as carried out from both near and distant viewpoints, I share the Council's concerns about the effects on the building, its setting; its features of special architectural and historic interest and its impact on the character and appearance of the BCA. With regard to the chimney stack rendering I refer again to the points above relating to No 132 and for the same reasons I find the works as carried out to be harmful and unacceptable.

26. I find that the scale and extent of the rendering to all of the rear walls is even more unacceptable. The works have broken the rhythm of the rear brick elevations in the terrace with their varied finishes. In my view, the light-coloured render appears as an obtrusive and alien material when compared to the more muted colour of the various pointed brickwork used on other properties. It detracts from the character and integrity of the listed building much more noticeably than the smaller areas of rendering to the chimney stacks. Despite the works being carried to the rear elevations only, I also find them to be harmful to the overall character and appearance of the BCA.

27. When seen from the viewpoints referred to above, the rendered sections of walling to No 134 appear as discernibly conspicuous and insensitive elements. Due to the overall area of brickwork covered they are perceived as 'monolithic' additions to the terrace and clash visually with the balance and consistency of the brickwork which is common in this part of the BCA. The overall visual result is one which is detrimental to the setting of No 134, as well as to the settings of the group of other listed buildings in the terrace.

28. Again I found the level of workmanship to be extremely poor. It was also evident that a predominantly cement render had been used and I was able to note loose samples around the sides of the plastic downpipes. I have noted that the render is described on behalf of the appellant company as being a light lime-based mortar. However this is not obvious and the hardness of some of the flaking render around the downpipes to the rear reinforces my view in this respect. There is also considerable staining to the render face which suggests that water penetration between render and brickwork is already occurring. Where a sample panel of render had been removed it appeared that some of the bricks had been damaged which suggested that power tools, rather than hand tools had been used for its removal.

29. I noted that part of the rear offshoot to the adjacent property at No 136 had also been rendered and painted white. However, I have not been provided with any details as to whether or not these works were approved for planning purposes or granted LBC by the LPA. I did not however note that the workmanship of the rendering was of a higher standard than that at Nos 132 and 134 and looked more like a stucco rather than a cement render finish.

30. Again, therefore, on the basis of the above findings, I consider that the works carried out to No 134 have caused harm to the character of the building, to its setting and to its features of special architectural and historic interest and that they neither preserve nor enhance the character or appearance of the BCA. I do not, therefore, consider that LBC should be granted for the retention of works as carried out at No 134 and the appeal on ground (e), in Appeal B, must also fail.

### **Appeal C: Notice 3: No 148**

31. The rendering to the walls and stack of 148 (including the boundary/flank wall and part stack of 146) is darker in colour than that of Nos 132, 134 and 150. It is also

showing more severe signs of staining and thus, probable water penetration between the render and the brickwork. The overall visual effect is, therefore, even more damaging to the appearance, character and integrity of the listed building.

32. For the same reasons as those set out in Appeals A and B above, I find that the rendering to the chimney stacks and the extensive wall areas of the property have harmed its character as a building of special architectural and historic interest; have harmed its setting and that of the terrace and have harmed one of its features of special architectural and historic interest. Again it follows that in my view it neither preserves nor enhances the character or appearance of the BCA.

33. Again I noted the sample panel where the render had been removed. In this case the brickwork had been damaged in several places by what can only have been the use of power tools. In particular I noted a groove across three of the exposed bricks which had clearly been caused by a 'Stihl' saw or similar tool. There were also exposed end beads to the side of the chimney render and flank wall of No 146.

34. Yet again, therefore, on the basis of the above findings, I consider that the works carried out to No 148 (and 146) have caused harm to the character of the building, to its setting and to its features of special architectural and historic interest and that they neither preserve nor enhance the character or appearance of the BCA. I do not, therefore, consider that LBC should be granted for the retention of works as carried out at No 148 (and 146) and the appeal on ground (e), in Appeal C also fails.

#### **Appeal D: Notice 4: No 150**

35. The render to No 150 is lighter in colour than that of No 140. Again there are signs of water staining and again the workmanship is of very poor quality. Of more concern is the fact that the render has started to crack and open up, particularly where the rear wall meets the flank wall of the building. Again this suggests that any lime content of the render is minimal and that a hard and inflexible cement render has been appropriately used. This in itself has harmed the fabric of the building.

36. For the same reasons as set out above in Appeals A, B, and C, I conclude that the works carried out to No 150 have caused harm to the character of the building, to its setting and to its features of special architectural and historic interest and that they neither preserve nor enhance the character or appearance of the BCA. I do not, therefore, consider that LBC should be granted for the retention of works as carried out at No 150 and the appeal on ground (e), in Appeal D, also fails.

37. Again, therefore, I consider that the works carried out to No 134 have caused harm to the character of the building, to its setting and to its features of special architectural and historic interest and that they neither preserve nor enhance the character or appearance of the BCA. I do not, therefore, consider that LBC should be granted for the retention of works as carried out at No 134 and the appeal on ground (e), in Appeal B, must also fail.

#### **Other points raised relating to the Appeals on ground (e)**

38. It is evident that the brickwork to the rear elevations of these listed buildings is of much lower quality than that to the principal elevations. I also note that some parts of the rear elevations to both the appeal properties and others are, and have been, in poor condition over the years. However, despite these factors most of the other properties have generally retained well-kept pointed brickwork finishes to their rear elevations and have avoided the use of render as a wall and surface finish.

39. There is clearly a large variety of types, colours and conditions of the bricks in the rear elevations of these terraced properties. There are also distinguishable differences in the methods and the quality of pointing. However, the overall visual effect is one of a cohesive and generally balanced rhythm of brickwork. As indicated above, this is evident from both near and distant viewpoints and the use of brickwork is distinctly characteristic within this part of the BCA. This cohesive and balanced appearance is completely and detrimentally broken up by the rendering works carried out at Nos 132, 134, 148 and 150, causing the harm which I have identified above.

40. I acknowledge that it will not be easy task to carry out the requirements of the notices. I also accept that there is a risk of damaging the brickwork. However, from my inspection of the sample panels and having considered the quality of the brickwork generally (particularly at No 132 and on adjacent buildings to those appeal buildings) it is my view that with the careful use of hand tools, pointed brickwork finishes should be able to be achieved to the elevations which have been ruined by the poor quality rendering.

41. Whilst some damaged bricks may have to be replaced and that this would be in a situation relating to pre-1919 solid wall construction, such works are common where historic assets need to be appropriately repaired. Historic England and/or the Conservation Team of the Council will be able to offer advice to the appellant company with regard to specialist firms who regularly carry out this type of remedial works to listed buildings.

### **Overall conclusions on the ground (e) appeals for Appeals A, B, C and D**

42. I have concluded above that none of the works carried out to the appeal properties should be granted LBC and that they all fail on this ground of appeal. For the reasons set out above I consider that the works are contrary to Policy 7.8 of the LP; to Policy CS9 of the Islington CS and to Policies DM2.1 and DM2.3 of LPDMP.

43. I also find that works are contrary to the policies in sections 12 and 16 of the NPPF. In this respect, as well as neither conserving nor enhancing the historic environment ,I find that the poor workmanship amounts to very poor design. Supplementary Guidance within the IUDG; the BCAG and DCG all reinforce my view that the decisions in these cases should be made in accordance with the development plan and that the other material considerations do not indicate otherwise.

44. As indicated above the National Planning Policy Framework (NPPF) is a major material consideration and in reaching my conclusions in all 4 appeals I have had regard in particular to sections 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) as well as taking into account relevant sections of PPG.

### **Appeals A, B, C, and D on ground (i)**

45. I have dealt with this ground for all of the appeals at the same time, since both the arguments made on behalf of the appellant company and those of the Council are fundamentally the same. To succeed on this ground it must be shown that in each case the steps required by the notice for restoring the character of the building to its former state would not serve that purpose.

46. On behalf of the appellant company it is argued that due to the solid brick built construction of the poor quality brickwork, the works required are likely to result in further external damage and loss of historic fabric. It is also contended that if the inner leaf of brickwork is affected it could cause damage to the interior of the listed buildings;

that a whole new external brick skin would be required and that this will result in the loss of historic fabric which the LBEN is seeking to preserve.

47. In response the Council reiterates the point that the render is predominantly cement based, meaning that it is not breathable and that it will eventually lead to internal dampness issues. It is considered to be vital that the render is removed to protect against further damage. It is further indicated that the LBENs all set out concise requirements. Reference is also made to the '*test patches*' and it is contended that the exposed facing bricks, although damaged by power tools, appear to be in a generally reasonable condition.

48. It is further indicated by the Council that if indeed the outer facing brickwork is damaged in part, it is appropriate that repairs be carried out to the brickwork in order that the character of the building is restored to its former state: that is pointed brickwork as is evident in the rest of the listed buildings in the terrace.

49. Having considered these arguments it seems to me that those put forward on behalf of the appellant company are made on the basis of not being able to carry out a satisfactory operation of removing the render. I have acknowledged the difficulties of such work above. However, from my experience in such matters, I consider that with careful and specialist skills (as opposed to those poor skills demonstrated in applying the render in the first place), I consider that the works required can be reasonably and efficiently carried out without further harm to the listed buildings.

50. In conclusion on this ground, therefore, I agree with the Council that if the steps are followed correctly, then in each case (for Nos 132, 134, 148 and 150) the character of each of the listed buildings would be restored to its former state, before the unauthorised works were carried out. Thus, all four appeals fail on ground (i).

### **Appeal under ground (h)**

51. I acknowledge that the time-consuming requirements will involve considerable upheaval and it is evident that any works carried out will have to accord with appropriate Health and Safety Regulations. I also accept that it is likely that tenants will not be able to remain in-situ whilst the works are being carried out.

52. I have noted that the Council has indicated that the 6 month requirement period is the same as that requested in the previous appeal whereby the notices were quashed. Nevertheless, in the overall circumstances of this case and taking into account the specialist advice and operational requirements of the works I consider that a period of just 6 months falls short of what should reasonably be required.

53. I do not consider that an extra 12 months on top of the 6 months is required as suggested on behalf of the appellant company. In my view an overall period of 12 months should be sufficient for specialist advice and construction skills to be sought and for the works to be organised and carried out as required. I shall, therefore, vary each of the LBENs accordingly and Appeals A, B, C and D succeed to this limited degree on ground (h) only.

### **Other Matters**

54. In reaching my conclusions in these appeals and on all grounds pleaded, I have taken into account all of the written submissions, as well as my observations during my site visit including the planning history; the initial documents as submitted; the subsequent statements from the parties; the various photographs and plans; all other documents and any final comments.

However, none of these carries sufficient weight to alter my conclusions on the main issues and does any other factor change my decisions for any of the four appeals.

### **Formal Decisions**

#### **Appeal A – Notice 1**

56. The appeal succeeds to a limited degree on ground (h) only. I direct that the Listed Building Enforcement Notice be varied by deleting the word and figure 'six (6)' in Schedule 5 of the notice (WHAT YOU ARE REQUIRED TO DO) and by substituting therefor the word and figure 'twelve (12)'.

57. Otherwise the appeal is dismissed and listed building consent is refused for the works carried out in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

#### **Appeal B – Notice 2**

58. The appeal succeeds to a limited degree on ground (h) only. I direct that the Listed Building Enforcement Notice be varied by deleting the word and figure 'six (6)' in Schedule 5 of the notice (WHAT YOU ARE REQUIRED TO DO) and by substituting therefor the word and figure 'twelve (12)'.

59. Otherwise the appeal is dismissed and listed building consent is refused for the works carried out in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

#### **Appeal C – Notice 3**

60. The appeal succeeds to a limited degree on ground (h) only. I direct that the Listed Building Enforcement Notice be varied by deleting the word and figure 'six (6)' in Schedule 5 of the notice (WHAT YOU ARE REQUIRED TO DO) and by substituting therefor the word and figure 'twelve (12)'.

61. Otherwise the appeal is dismissed and listed building consent is refused for the works carried out in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

#### **Appeal D – Notice 4**

62. The appeal succeeds to a limited degree on ground (h) only. I direct that the Listed Building Enforcement Notice be varied by deleting the word and figure 'six (6)' in Schedule 5 of the notice (WHAT YOU ARE REQUIRED TO DO) and by substituting therefor the word and figure 'twelve (12)'.

63. Otherwise the appeal is dismissed and listed building consent is refused for the works carried out in contravention of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

*Anthony J Wharton*

Inspector

## **SCHEDULE OF REQUIREMENTS FOR EACH NOTICE**

### **Appeal A – Notice 1 - Ref: APP/V5570/F/19/3226297**

#### **132 Cloudesley Road, London N1 0EA**

- i. Carefully remove the entirety of the render and associated materials and fixings including any angle-beading, using hand tools only (no power tools), from the northern side elevation of the rear outrigger and northern, southern and eastern elevations of the chimney stack of the building on the land, including all waste materials therefrom.*
- ii. Make good and return the northern the northern side elevation of the rear outrigger and northern, southern and eastern elevations of the chimney stack to the state of repair immediately prior to the unlawful addition of the render. That being, the finished facing brickwork, shall exactly match the original brickwork in respect of colour, texture, face bond and pointing. Any original bricks that are damaged shall either be removed and returned around 180 degrees (so that the damaged face of the brick now faces inwards) or replaced with second hand bricks with pointing to match original fabric.*
- iii. Upon completion of (i) and (ii) remove all debris and waste materials from the Land.*

### **Appeal B – Notice 2 - Ref: APP/V5570/F/19/3226299**

#### **134 Cloudesley Road, London N1 0EA**

- i. Carefully remove the entirety of the render and associated materials and fixings including any angle-beading, using hand tools only (no power tools), from the whole of the rear elevation of the host property, the rear and southern side elevation of the two storey outrigger, the eastern and southern elevations of the chimney stack of the building on the land, and the party wall and northern and rear elevations of the chimney stack to the boundary with 132 Cloudesley Road including all waste materials therefrom.*
- ii. Make good and return the whole of the rear elevation of the host property, the rear and southern side elevations of the two storey outrigger, the eastern and southern elevations of the chimney stack of the building on the land and the party wall and northern and rear elevations of the chimney stack to the boundary with 132 Cloudesley Road to the state of repair immediately prior to the unlawful addition of the render. That being, the finished facing brickwork, shall exactly match the original brickwork in respect of colour, texture, face bond and pointing. Any original bricks that are damaged shall either be removed and returned around 180 degrees (so that the damaged face of the brick now faces inwards) or replaced with second hand bricks with pointing to match original fabric.*
- iii. Upon completion of (i) and (ii) remove all debris and waste materials from the Land.*

### **Appeal C – Notice 3 - Ref: APP/V5570/F/19/3226300**

#### **148 Cloudesley Road, London N1 0EA**

- i. Carefully remove the entirety of the render and associated materials and fixings including any angle-beading, using hand tools only (no power tools), from the whole of the rear elevation of the host property, the rear and southern side elevation of the rear two storey outrigger, the eastern and southern elevations of the chimney stack of the building on the land, and the party wall and northern elevation of the chimney stack to the boundary with 146 Cloudesley Road including all waste materials therefrom.*
- ii. Make good and return the whole of the rear elevation of the host property, the rear and southern side elevations of the rear two storey outrigger, the eastern and southern elevations of the chimney stack of the building on the land and the party wall and northern elevation of the chimney stack to the boundary with 146*

*Cloudesley Road to the state of repair immediately prior to the unlawful addition of the render. That being, the finished facing brickwork, shall exactly match the original brickwork in respect of colour, texture, face bond and pointing. Any original bricks that are damaged shall either be removed and returned around 180 degrees (so that the damaged face of the brick now faces inwards) or replaced with second hand bricks with pointing to match original fabric.*

- iii. *Upon completion of (i) and (ii) remove all debris and waste materials from the Land.*

**Appeal D – Notice 4 - Ref: APP/V5570/F/19/3226301**  
**150 Cloudesley Road, London N1 0EA**

- i. *Carefully remove the entirety of the render and associated materials and fixings including any angle-beading, using hand tools only (no power tools), from the whole of the rear elevation of the host property, the rear and southern side elevation of the two storey outrigger, the eastern and southern elevations of the chimney stack of the building on the land, and the party wall and northern and rear elevations of the chimney stack to the boundary with 148 Cloudesley Road including all waste materials therefrom.*
- ii. *Make good and return the whole of the rear elevation of the host property, the rear and southern side elevations of the rear two storey outrigger, the eastern and southern elevations of the chimney stack of the building on the land and the party wall and northern and rear elevations of the chimney stack to the boundary with 148 Cloudesley Road to the state of repair immediately prior to the unlawful addition of the render. That being, the finished facing brickwork, shall exactly match the original brickwork in respect of colour, texture, face bond and pointing. Any original bricks that are damaged shall either be removed and returned around 180 degrees (so that the damaged face of the brick now faces inwards) or replaced with second hand bricks with pointing to match original fabric.*
- iii. *Upon completion of (i) and (ii) remove all debris and waste materials from the Land.*

**End of Schedule**