



Appeal Decision

Site visit made on 5 August 2020

by Simon Hand MA

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

Decision date: 22 October 2020

Appeal Ref: APP/H5960/F/19/3221417

3 Medfield Street, London, SW15 4JY

- 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 Kazim Shakir against a listed building enforcement notice issued by the Council of the London Borough of Wandsworth.
 - The enforcement notice, numbered 2016/0400/ENF, was issued on 6 December 2018.
 - The contravention of listed building control alleged in the notice is the demolition of a free standing advertisement sign and installation of 2 no. satellite dishes.
 - The requirements of the notice are 1. Remove the unauthorised 2 no. satellite dishes from front/side elevation of the property; 2. Re-instate like for like free standing advertisement sign at the same location in the front area of the property and; 3. Remove from the site all debris arising from compliance with steps 1 and 2.
 - The period for compliance with the requirements is 8 weeks.
 - The appeal is made on the grounds set out in section 39(1) (a), (c), (d) (e), (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. It is directed that the listed building enforcement notice be corrected by deleting from the allegation the words "*and installation of 2 no. satellite dishes*" and varied by deleting the first requirement from the requirements and the reference to "*step 1*" in the third requirement and by substituting "*4 months*" for "*8 weeks*" in the period for compliance. Subject to this correction and these variations, the appeal is dismissed, the listed building enforcement notice is upheld, and 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.

Preliminary Matters

2. The satellite dishes are attached to a side wall of a building adjacent to the listed pub. Although the dishes may overhang the courtyard in front of the listed pub and so encroach into the curtilage, the building to which they are attached is not owned by the appellant, and as far as I am aware, the satellite dishes are nothing to do with the appellant.
3. Thus while I agree they are something of an eyesore, they are not the responsibility of the appellant. The listed building enforcement notice cannot require the appellant to remove a structure that is not his from a property that also is not within his control. As the dishes oversail the appellant's property there may be civil action he could take but the outcome of this would be uncertain and it would not be possible to require this through an enforcement

notice. I shall therefore correct the notice to remove any mention of the satellite dishes.

The Appeal on Ground (a)

4. This ground is that the building is not of special historic interest. In effect the appellant is asking me to find the building has become devoid of any historic or architectural interest and to recommend it should be removed from the list of historic buildings. The reason given for this is that it used to be a pub but is no longer. I'm not sure how this affects its historic structure, appearance or provenance and no evidence has been provided to suggest it no longer merits protection as a listed building. The appeal on ground (a) fails.

The Appeal on Ground (c)

5. This ground is that the matters alleged do not contravene s9(1) or (2) of the Act. The appellant argues the freestanding sign was removed before they bought the property so it is nothing to do with them and in any event the sign is not of any historic interest as it is modern.
6. The Council are correct that as the legal owners of the property the appellant is responsible for its current state and took on responsibility for any unlawful changes that were made to it in the past when he purchased it. However, it is clear the removal of the sign was an ongoing issue between the Council and the previous owners, there is considerable correspondence to demonstrate this, and the previous owners did appear to be about to reinstate the sign when they sold the property. There is no reason why the appellant should not have been aware of this when he purchased the property, but if he was not then that is a matter between him and his solicitors.
7. The Council estimate the appeal sign was probably erected mid to late 20th century, but an older freestanding sign is visible in historic photographs and as such it forms a part of the story of the building. There is no evidence it was not in place at the time of the listing (1983), if it was added later then it would have required listed building consent, of which there is no evidence. Freestanding pub signs are very much a feature of pub buildings and it is almost certain the sign was in place when the building was listed. As such its removal marks a significant change to the character of the building and is clearly contrary to section 7 (and thus s9(1)). The appeal on ground (c) fails.

The Appeal on Ground (d)

8. This ground is that the works were urgently necessary for safety reasons. This is true, insofar as it goes, the post supporting the sign was rotten and it had to be removed. But the then owners were informed it needed to be replaced. This is the usual repair and maintenance required for any historic property and does not amount to a reason to quash the notice.

The Appeal on Ground (e)

9. This ground is that listed building consent ought to be granted for the removal of the sign. No evidence has been provided as to why the sign should not be replaced. I have already concluded that its loss does affect the historic character of the building. It was clearly a feature in the streetscene and so was an important part of the character of this part of the Roehampton Village conservation area. The appellant's main argument is that it is unfair they

should have to pay, as they did not remove it. I have dealt with that argument in ground (c) above.

10. In terms of the NPPF the loss of the sign has caused less than substantial harm to the heritage asset, but there are no public benefits to its removal and it should therefore be replaced.
11. The appellant argues it is not clear what the sign looked like, but there are plenty of photographs as part of this appeal that show clearly what it was like. The appeal on ground (e) fails.

The Appeal on Ground (h)

12. This ground is that the period for compliance is too short. I agree that 8 weeks is unlikely to be sufficient time to instruct a sign maker and get a new post in place and to replace the sign, but 6 months seems too long, especially as there should be no problem in working out what the sign looked like. I shall extend the compliance period to 4 months.

Simon Hand

Inspector