



Appeal Decision

Site visit made on 26 July 2021

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 07 September 2021

Appeal Ref: APP/U5360/F/20/3265672

34 Bethune Road, Hackney, London N16 5BD

- 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 S Rand of Rovergrange Ltd against a listed building enforcement notice issued by the Council of the London Borough of Hackney.
- The enforcement notice is dated 18 November 2020.
- The contravention of listed building control alleged in the notice is the installation of sliding doors and boiler flue at ground floor level on the side elevation of the Property and the removal of internal chimney breasts.
- The requirements of the notice are:
 1. Remove the sliding doors from the Property and replace with double doors to the previous style, size and design as was present prior to the unauthorised works taking place;
 2. Remove the boiler attached to the boiler flue exiting at ground floor level on the side elevation of the Property;
 3. Remove the boiler flue at ground floor level from the side elevation of the Property;
 4. Reinstate the chimney breasts to their previous style, size and design as was present prior to the unauthorised works;
 5. Make good any damage to the Property resulting from the compliance with steps (1) to (4) whether internal or external; with the finished works to match the original building with regard to methods used and to material, colour, texture and profile and, in the case of brickwork, facebond and pointing;
 6. Remove all materials, debris, waste and equipment resulting from compliance with the other requirements of the notice from the property and its premises.
- The period for compliance with the requirements is 8 months.
- The appeal is made on the grounds set out in section 39(1)(e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Summary of Decision: The appeal is allowed, the listed building enforcement notice is quashed and listed building consent is granted.

Application for costs

1. An application for costs was made by Mr S Rand of Rovergrange Ltd against the Council of the London Borough of Hackney. This application is the subject of a separate Decision.

Preliminary Matter

2. The appellant indicates that further works in relation to the south flank wall chimney breast are required to ensure the long term integrity of the property. This is noted and is a matter for further consideration by the Council.

Ground (e)

Main Issue

3. The ground (e) appeal is that listed building consent should be granted for the works. The main issues are whether the works preserve a Grade II listed building, 34-56 Bethune Road N16, and any of the features of special architectural or historic interest that it possesses.

Reasons

4. The appeal property is a ground floor flat within a three storey semi-detached 'villa', which is grade II listed. The listed building comprises two symmetrical blocks of six flats dating from the late 19th Century, constructed from yellow stock brick with stucco dressings. The front elevations incorporate architectural features of some quality, such as, full-height canted bay windows with cast iron guards, plain sash windows, and half-glazed doors with fanlights and neo-classical surrounds.
5. I consider the significance of the listed building to be derived from its typology and construction, which is purpose built blocks of flats with individual entrances, and their simple but elegant form and architectural detailing. The 'clinker' concrete slab upper floors within the building, and roof construction, are noted to be an unusual feature of the building and contribute to its special interest¹.
6. Nos 34-38 Bethune Road have been subject to a number of planning and listed building consent applications to bring the building back into use following periods of vacancy and neglect. The works included the partial reconstruction of the external walls, including the right hand flank wall, and comprehensive refurbishment². Further, unauthorised, internal alterations have since been carried out, which included altering three of the door openings to accommodate sliding 'pocket' doors and the removal of three chimney breasts. A boiler flue has been added to the side elevation. A retrospective application for internal alterations including the removal of chimney breasts and the provision of sliding doors was refused by the Council³. These matters, plus the flue installation, form the basis of the enforcement notice and the ground (e) appeal.
7. The appellant explains that the pocket doors were constructed by enlarging the existing structural opening, through the removal of the adjacent single skin of course red brick and reinstating internal finishes to conceal the door mechanism. Precast concrete lintels were installed above the three enlarged openings. There has been no loss of historic skirtings, architraves or joinery, and the original position of the door openings, as evidence of the historic plan form, has been retained.

¹ Heritage Statement August 2020.

² Ref 2009/0702 and 0703 Structural repairs, reconstruction of front addition/stairs, partial replacement of side elevation, replacement of timber ground floor. Dated 22 May 2009.

Ref 2010/0923 and 0924 Refurbishment of interior. Dated 13 July 2010.

Ref 2012/2187 Structural remediation works, part demolition and rebuilding of flank wall, rear balconies and canopies at ground and first floor, replacement and repair of windows, repair of building envelope and other external works. Internal works – plastering, skirting to staircase, lift installation and layout reconfiguration. Dated 28 August 2012.

³ Ref 2020/2367 dated 7 October 2020.

8. I appreciate that sliding doors would not have been a feature of a building of this age. However, the doors are limited to three locations, where doors were previously present, and the works are reversible in that it would be possible to install standard doors in future. I consider that the relatively small areas of brickwork that were removed would have had negligible heritage interest.
9. The three chimney breasts were removed to create more legible internal space. The areas of first floor structure directly adjacent to the chimney breasts on the flank walls are noted as having been replaced with timber joisted floors. The recent works to these areas would, therefore, have had no impact on the clinker concrete floors within the building. However, the central rear chimney breast is understood to have been in a part of the building where the clinker floor may have been retained, although this is not certain⁴. Nonetheless, the impact on any clinker floor would have been marginal given the relatively limited extent of the works to the floor structure.
10. Although the removal of the chimney breasts constituted the removal of existing fabric, the chimney breasts themselves do not contribute to the asset's significance, which is derived from the typology and the architecture. The evidential value to the heritage asset is maintained by the retention of the stacks above roof level.
11. It is explained that the position of the boiler was adjusted by moving it 150-250mm into a modern recess. The associated external flue is positioned on the south elevation, which I note was rebuilt in its entirety as part of the previous consents. As a result, no historic fabric has been lost as a result of the flue installation. Moreover, the flue is small and inconspicuous.
12. The Council refers to an appeal decision concerning the installation of boiler flues at basement, ground and roof levels to the front elevation of a listed building⁵. In that case, the Inspector was presented with multiple flues on the front elevation of the building. This is a wholly different set of circumstances to the matters before me, which I have considered on their own merits having regard to the impact on the significance of the heritage asset concerned.
13. Overall, I find that the works comprising the installation of sliding doors and boiler flue and the removal of internal chimney breasts do not harm the significance of the designated heritage asset.

Conclusion

14. Given the above, I conclude that the works preserve the special architectural interest of the Grade II listed building, 34-56 Bethune Road N16, thus satisfying the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 197 of the National Planning Policy Framework⁶ and development plan policies insofar as relevant.

Conclusion

15. For the reasons given above I conclude that the appeal should succeed on ground (e). It is not necessary to consider the appeal on ground (g), therefore.

⁴ Halsteads Associates Report, 17 December 2020.

⁵ Ref APP/U5360/F/20/3248605 dated 21 October 2020.

⁶ July 2021.

Formal Decision

16. The appeal is allowed and the listed building enforcement notice is quashed.
Listed building consent is granted for the installation of sliding doors and boiler flue at ground floor level on the side elevation of the Property and the removal of internal chimney breasts at 34 Bethune Road, Hackney, London N16 5BD.

Debbie Moore

Inspector