
Appeal Decision

Site visit made on 9 March 2022

by A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC

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

Decision date: 29 April 2022

Appeal Ref: APP/U5360/F/21/3272369

98 and 98a Clapton Common, Hackney, London E5 9AL (also known as 1-4 or 1-6 Belz Terrace, London E5 9SN)

- 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 Jehudah Baumgarten of The Talmud Torah Machzikei Hadass Trust against a listed building enforcement notice issued by the Council of the London Borough of Hackney.
- The enforcement notice was issued on 4 March 2021.
- The contravention of listed building control alleged in the notice is:
 - 1) The erection of a two storey extension, attached to the rear of the property.
 - 2) The installation of uPVC windows to all window openings on the front, sides and rear of the property at basement, ground floor, first floor and attic levels
 - 3) The demolition of the curtilage listed western elevation (Clapton Common) and northern elevation (Craven Walk) boundary walls and the erection of unauthorised replacement walls and gates.
 - 4) The erection of a wall in the front garden to the front of the property, attached to the front bay window.
 - 5) The installation of a large metal flue on the front (west) elevation of the property running from basement to parapet level.
 - 6) The installation of a new roof at the property using artificial slate tiles.
 - 7) The installation of a water tank at the north side of the property.
 - 8) The installation of three security lights at the front (west) of the property.
 - 9) The installation of two security lights at the rear (east) of the property.
 - 10) The installation of a light above the left hand front door of the property
 - 11) The installation of two air conditioning units on the rear (east) elevation of the property.
 - 12) The installation of three air conditioning units on the side (north) elevation of the property.
 - 13) The installation of eight air conditioning units on the roof of the property.
 - 14) The installation of one air conditioning unit and a timber panel in a window on the front (west) elevation of the property.
 - 15) The installation of four white plastic pipes on the north elevation of the property.
 - 16) The installation of black wiring on the north and east elevations of the property.
 - 17) The installation of a plastic box and wiring on the west elevation at ground floor level.
 - 18) The installation of a white burglar alarm box on the west elevation of the property.
 - 19) The installation of a clock on the west elevation of the property.
 - 20) The installation of signage above the right hand door and above and to both sides of the central front door on the west elevation of the property.
 - 21) The installation of six modern glass and metal doors, four on the west elevation and two on the east elevation at the ground floor of the property.
 - 22) The installation of uPVC doors on the west elevation at basement level and rear east elevation at basement level of the property.
 - 23) The installation of six CCTV cameras to the property: three CCTV cameras on the

west elevation, one CCTV camera on the east elevation and two mounted on a pole attached to the front gate of the property.

24) The installation of one rooflight in the central valley gutter of the roof of the property.

25) The demolition of the existing roof structure and covering on the 'South Extension' and the erection of a roof extension with three rooflights attached to the listed building.

26) The installation of decking to the east side of the property.

27) The installation of a shallow timber box with a lean-to roof on the north elevation of the property.

28) The installation of a black painted steel gate and grille to the front, on the west elevation facing Clapton Common.

- The requirements of the notice are:

1) Remove the two storey extension attached to the listed building at the rear as shown in photos 16, 19 & 20 of appendix 1, from the property. Repair any damage to the listed building using appropriate materials and techniques as outlined in appendix 2. Reinstall the rear garden area of the property to its previous state before the extension was erected.

2) Remove all uPVC windows from all the windows openings on the front, side and rear of the property at basement, ground, first and attic floors levels; and

a) Replace all those windows at the front, side and rear elevations at ground, first and second floor level with the windows detailed in drawing numbers 1926.W01A Proposed Windows 1 (appendix 4) and 1926.W02A Proposed Windows 2 (appendix 5). These windows shall be timber sash windows, with frames of appropriate profile, operated by cords and weights and with integral glazing bars and (if double glazed) with a slimline glazing unit with a 14mm maximum depth, in line with the attached *Hackney Windows Guidance* (appendix 3). The windows shall be set within a reveal one half brick deep.

b) Replace all those windows to the front and rear elevations at basement level with the windows detailed in drawing numbers 2158_sk00 Proposed Basement Floor Plan (appendix 6) and 2158_100 Window Details (appendix 7). These windows shall be timber sash windows, with frames of appropriate profile, operated by, cords and weights and with integral glazing bars and (if double glazed) with a slimline glazing unit with a 14mm maximum depth, in line with the attached *Hackney Windows Guidance* (appendix 3). The windows shall be set within a reveal of one half brick deep.

3) Remove all boundary, walls, piers, balls, caps, railings and all gates from the western elevation (Clapton Common) and northern elevation (Craven Walk) of the property. Rebuild the boundary treatment in strict accordance with approved drawing number 2012/1405 250/A204/Rev 09 Proposed Railing and Elevation (appendix 8). The bricks used for the dwarf wall and piers shall be new clay Imperial size buff/yellow London stock brick. The railings shall be constructed of solid round steel bars (not tubular), the bars shall be no more than 12mm in diameter, without finials and shall be painted black. The piers shall be capped with plain, flat slabs of Portland stone which shall project 50mm from the brickwork of the piers on all four sides.

4) Remove the wall in the front garden which is attached to the front bay window (as shown in photos 5 & 13 appendix 1) and its associated foundations and backfill the foundations with earth and make good the ground surface to match that immediately adjacent.

5) Remove from the property the metal flue on the front, (west) elevation (as shown in photos 9 & 10, appendix 1) and all associated fixtures. Repair any damage to the listed building using appropriate materials and techniques (as outlined in appendix 2).

6) Remove from the roof and property, the roof covering of cement fibre artificial slate. Replace the roof covering with natural Welsh slate in blue/grey. The new roof should be fixed with copper nails, with a ridge tile of half round grey clay tile fixed with lime mortar and with flashing in lead. An example of the roof tile is shown in appendix 13.

7) Remove the water tank to the north side of the property as shown in photo 18, appendix 1. Repair and make good the roof covering beneath to match the adjacent roof covering.

- 8) Remove the three security lights on the west elevation of the property as labelled on photos 11 & 13 appendix 1 and any associated wiring. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 9) Remove the two security lights from the rear (east) elevation of the property as labelled on photos 15 & 19 in appendix 1 and any associated wiring. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 10) Remove the light above the left hand front door of the property as labelled in photo 10, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 11) Remove the two air conditioning units and any associated pipework and wiring on the east elevation of the property as labelled on photo 15, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2)
- 12) Remove the three air conditioning units and any associated pipework and wiring on the north elevation of the property as labelled in photo 15, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 13) Remove the eight air conditioning units and any associated pipework and wiring from the roof of the property as shown and labelled on the satellite photos 22 & 23, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 14) Remove the single air conditioning unit and the timber panel in the window on the west elevation of the property labelled on photo 13, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 15) Remove the four white plastic pipes to the north elevation of the property shown and labelled in photos 10 & 11, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 16) Remove the black wiring to the north and east elevation of the property as shown in photo 21, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 17) Remove the plastic box and wiring from the west elevation at ground floor level as labelled in photo 9, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 18) Remove the white 'alarm box' from the west elevation of the property as shown and labelled in photo 10, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 19) Remove the clock from the western elevation of the property as shown and labelled in photo 13, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 20) Remove the signage above the right hand door and above and to both sides of the central front door as shown in photo 14, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
- 21) Remove the six modern glass and metal doors (four at the west elevation, two at the east elevation - (all at ground floor level of the property)). Replace with traditional solid timber panelled doors of jointed construction which match the design. and appearance shown in 'Drawing Number 2158_100A CG As Proposed' (appendix 14).
- 22) Remove the two uPVC doors from the basement, (one at the west elevation as shown in photo 24, appendix 1, and the second at the rear at the east elevation of the property). Replace with solid timber doors of traditional jointed construction with four panels, each panel to be raised and fielded, as described in appendix 3, Hackney's door guidance. An example of this door design is shown in appendix 12.
- 23) Remove the three CCTV cameras located at the west elevation of the property as shown and labelled in photo 13 of appendix 1 and the one CCTV camera at the east elevation of the property as shown and labelled in photo 19 of appendix 1. Remove the two mounted CCTV cameras by the front gate of the property, as shown in photo 25, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (as outlined in appendix 2).

24) Remove the one rooflight on the main roof of the property, as shown and labelled in photo 23, appendix 1. Infill the opening in a good and workmanlike manner with traditional timber joists roofed over with natural Welsh slates. The roof should be fixed with copper nails, with a ridge tile of half round grey clay tile fixed with lime mortar and with flashing in lead. An example of the natural Welsh slate roof tile is shown in appendix 13.

25) Remove all of the roof extension to the "South extension". Reinstall the roof to its previous form as shown on drawings '250A/060 Rev 9 Existing Elevations' (Appendix 10) and '250A/052 Rev 9 Existing Second Floor Plan' (Appendix 11). The replacement roof shall be constructed using timber rafters, battens and a covering of natural Welsh slate tiles as shown in appendix 13, with grey clay half round ridge tiles (as outlined in appendix 2).

26) Remove the decking to the rear of the property on the east elevation as shown and labelled in photo 15 of appendix 1. Reinstall the rear garden area of the property to its previous condition before the unlawful decking was installed.

27) Remove the shallow timber box with a lean to-roof from the north elevation of the property as shown in photo 21, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (as outlined in appendix 2).

28) Remove the black painted steel gate and grille on the west elevation facing Clapton Common, as shown in photo 12 appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2),

29) Remove all waste, materials, equipment and debris created as a result of fulfilling all of the above requirements (1-28) of this Notice from the property and its premises.

30) Completely make good any damage caused to the building resulting from compliance with the other requirements of this Notice (as outlined in appendix 2).

- The period for compliance with the requirements is fifteen (15) months.
 - The appeal is made on the grounds set out in section 39(1) (c), (e), (g) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
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Decision

1. The appeal is dismissed and the listed building enforcement notice (LBEN) 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.

Procedural Matter

2. The LBEN which was served on 4 March 2021 states that the works are contrary to policies in the London Plan 2016. However, the London Plan 2016 was replaced with London Plan, The Spatial Strategy for Greater London, on 2 March 2021. Policy 7.8 (Heritage Assets and Archaeology) of the 2016 London Plan has been deleted, but Policy HC1 (Heritage Conservation and Growth) of the London Plan 2021 reaffirms the aims and objectives of the previous heritage related policy and continues to place great importance on the conservation and protection of London's heritage assets. Policies D4 and D5 of the London Plan 2021 are broader policies relating to delivering good design and inclusive design.

The appeal site and background

3. The appeal site is currently used as a nursery school which is linked to the adjoining school which is situated at 96 and 96a Clapton Common (also known as 5 and 6 Belz Terrace. The nursery is known as BELZ Nursery School and the wider education complex is operated by the Moreset Hatorah organisation.

4. The building was first listed as Grade II on 4 February 1975 and is an early to mid-nineteenth century three-bay villa of two 2 storeys plus an attic. It has large proportions and is constructed of stock brick with stucco frieze, cornice and a blocking course. It has a slated mansard with three dormer windows, the outer ones are tripartite. The tall end walls have stucco coping and there is a stuccoed ground floor to first floor band. First floor sash windows under gauged brick arches and ground floor long casements in moulded architraves with detached cornices. There is a central Doric porch in antis with a modern door. The building is graded partly for important situation overlooking Clapton Common. The building is located in the Clapton Common Conservation Area.
5. Nos 96 and 96a are not listed and have been comprehensively developed following the demolition of buildings that formerly existed on the site under planning permission 2012/1405 which was approved on 22 November 2012. It is my understanding that 2012/1405 was a replacement scheme for planning permission 2009/0741, the planning permission for which was paired with an associated listed building consent 2009/0883. Following the approval of 2012/1405 a series of s73 permissions were approved; the most recent of which was 2015/0189 for the variation of condition 5 of planning permission 2015/2059.
6. It is also my understanding that in July 2017 a fire broke out which caused damage to the appeal site, including damage to the basement and parts of the ground and first floors. Following the fire, on 21 September 2018 listed building consent (Reference 2018/0579) was granted for "*Enlargement of existing basement; replacement of windows; removal of water tank from Craven Walk elevation and erection of three-storey (with basement) side extension; external alterations; internal works including provision of new stair to former 98a Clapton Common; installation of lift; installation of new floors and works of repair*" and planning permission granted (under reference 2018/0545) for "*enlargement of existing basement; replacement of windows; removal of water tank from Craven Walk elevation and erection of three-storey (with basement) side extension; external alterations*". Works have commenced on site pursuant to these consents.
7. On 22 September 2020 Historic England notified the property owners that, as a consequence of the effects of a lack of maintenance, the fire damage, carrying out of unauthorised works and vacancy, the building was included on the Heritage at Risk Register due to its poor condition.
8. The listed building is an attractive Regency villa and was once a substantial country home, with a fine elevation facing Clapton Common with two rear curved bay windows facing a substantial and verdant garden, running down what is now Craven Walk towards the valley of the River Lea. The villa is of particular significance as an almost lone survivor of this type, which formerly fringed Clapton Common, and because of its visual and historical relationship with the surrounding area. It commands a prominent location overlooking the Common. The two historic extensions to the principal listed building, the south and north extensions, are subservient to the main building and form part of the Regency villa's significance, as they tell the story of its later development.

The appeal on ground (c)

9. The ground of appeal is that the matters alleged in the LBEN do not constitute a contravention of section 9(1) or (2) of the Act.

3) The demolition of the curtilage listed western elevation (Clapton Common) and northern elevation (Craven Walk) boundary walls and the erection of unauthorised replacement walls and gates.

10. Under ground (c) the appellant contends that under planning permission 2012/1405 a boundary wall was permitted and in the subsequent permission 2015/0189 conditions required the submission of details of landscaping including boundary treatment. It is argued that drawing 1926.14 under condition approval reference 2019/0641, approved on 13 September 2019 states that the existing boundary wall is to be retained and, consequently, it is argued that the latest drawing which refers to retention of the boundary wall is the most up to date approved drawing; superseding drawing 2012/1405 250/A204/Rev09 which are set out in the requirements of the LBEN.
11. However, application 2019/2643 related to the discharge of conditions pursuant to a later listed building consent and the application did not seek to approve the details of the wall in question. Drawing 1926.14 is not referred to in the list of drawings approved under condition discharge application 2018/0579 and therefore is not any part of the approval of application 2019/2643.
12. It is also clear that Drawing 1926.14 is an approved drawing under 2016/2007 which is an approval for an adjacent site, the unlisted building at 96 Clapton Common. The drawing itself does not actually show the frontage of the current appeal site, 98 and 98a Clapton Common, but instead the frontage of 96 Clapton Common. Consequently, I conclude that based on the evidence presented, the demolition of the curtilage listed walls and the erection of replacement walls and gates do not benefit from any listed building consent and therefore constitute a contravention of the Act.

4) The erection of a wall in the front garden to the front of the property, attached to the front bay window.

13. The appellant contends that drawing 1926.14 confirms that the existing 1350mm high boundary wall retained (which separates 96 and 96a from 98 and 98a Clapton Common has planning permission and therefore no breach has occurred. However, the wall is attached to the listed building and it has been built without listed building consent. It may be referred to on an approved drawing but that is not alone evidence that the necessary listed building consent has been obtained. As such a contravention of the Act has occurred.

6) The installation of a new roof at the property using artificial slate tiles.

14. The appellant argues that it is not conclusive that the roof covering is artificial slate and, in any case, it has consent under references 2018/9545 and 2018/0579; associated drawings of which refer to annotations including "existing flat roof (unaltered)", "pitched roof beyond" and "existing pitched roof". In other words, it is being argued that the discharge of conditions means these drawings have consent. However, the change of roofing materials did not form part of the 2018 planning approval or listed building consent and is not identified in the description of proposed development or works. There are no details of roof covering materials in the plan identified by the appellant and consequently, its approval does not grant or even imply any approval for an alternative roofing material. Consequently, the roofing material used does not benefit from the necessary listed building consent.

8) The installation of three security lights at the front (west) of the property; 9) The installation of two security lights at the rear (east) of the property; and 10) The installation of a light above the left hand front door of the property

15. The appellant contends that the security lights are modest fixtures that do not affect the character of the listed building, do not impinge of particular features set out in the listing document and are hardly noticeable in views from the Common. In my judgement, even small modern additions to an historic building can cause harm to its character and appearance; particularly if situated on prominent exterior elevations. Whether or not an addition impinges upon features identified in the listing is not a test of whether the impact is significant. The listing document may identify some key features of a building which make it worthy of listing but is for identification purposes.
16. In addition, whether or not a feature is visible from the public realm is not a test as to whether or not it affects the character or appearance of a listed building and therefore whether or not listed building consent is required. In this case the security lights are relatively large and prominent on respective exterior elevations and the cumulative effect of the external illumination is such that listed building consent is required.

20) The installation of signage above the right hand door and above and to both sides of the central front door on the west elevation of the property.

17. The signage is non-illuminated and black in colour; however, it is situated on the prominent front elevation of the building and constitutes overtly modern advertisement on the main façade. Consequently, it affects the character and appearance of the listed building and listed building consent is required.

23) The installation of six CCTV cameras to the property: three CCTV cameras on the west elevation, one CCTV camera on the east elevation and two mounted on a pole attached to the front gate of the property.

18. The cameras are situated in prominent locations on the main external elevations of the building and are relatively large features comprised of modern, unsuitable materials. They add to the modern visual clutter on the building and directly harm the fabric of the building. The two cameras fixed to the pole in front of the building are within the curtilage of the listed building. Consequently, the CCTV cameras affect the listed building and as such listed building consent would be required.

28) The installation of a black painted steel gate and grille to the front, on the west elevation facing Clapton Common.

19. It is argued that the grille is low key in terms of its height, colour and design and does not impinge upon any features of the listed building and is not visible from the Common. However, irrespective of plans to reduce its width in the future, at the time the LBEN was served, it did not have listed building consent as required.

Conclusion on ground (c)

20. The items identified in the LBEN do not benefit from listed building consent and were carried out in contravention of Section 9 of the Act. Since no such listed building consent has been granted, there has been a breach of control. An appeal on ground (c) can only succeed if the works in question do not require

listed building consent. In this case it is clear to me that the works have been carried out and do not benefit from the necessary consent. Therefore the appeal on ground (c) cannot succeed.

The appeal on ground (e)

21. The ground of appeal is that listed building consent ought to be granted for the works and therefore the main issue is the effect of the works on the special architectural and historic interest of the listed building.
22. Section 16(2) of the Act requires the decision-maker, in considering whether to grant listed building consent for any works affecting a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest it possesses.
23. Policy LP3 of the Hackney Local Plan 2033 Adoption July 2020 (the LP) relates specifically to designated heritage assets and with particular reference to listed buildings states that all proposals should seek to conserve and enhance the significance by retaining, repairing and (where appropriate) reinstating historic features and fabric in a historically correct manner, among other objectives. Policy LP1 relates to design quality and character, stating that all new development must be of the highest architectural quality, among other objectives.
24. As outlined above, Policy HC1 of the London Plan 2021 relates to heritage and states that proposals affecting heritage assets should conserve their significance, being sympathetic to the asset's significance and appreciation within their surroundings.
25. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.
26. With reference to the appeal on ground (e) the appellant argues that consent should be granted for the unauthorised works on the grounds that the impact on the character of the building is minimal and not harmful.

3) The demolition of the curtilage listed western elevation (Clapton Common) and northern elevation (Craven Walk) boundary walls and the erection of unauthorised replacement walls and gates.

27. The boundary wall which has been erected is particularly high in relation to its sensitive setting. At its highest point it stands at approximately 2.9 metres, the piers are approximately 2.36 metres high and the wall panels are approximately 1.93 metres high and are topped with railings. Furthermore, the wall is a relatively solid barrier which severs the important relationship between the building and the adjacent Common which is identified in the listing.
28. The wall has been constructed of modern, smooth pale coloured bricks with contrasting red brick detailing and patterns and modern running bond with cement mortar bedding and pointing. Its design is inappropriately complicated, busy and visually distracting with concrete features such as copings, cappings and ball finial. The railings are of an unsuitable design for the setting of the

Regency villa and the various access points include highly visually prominent, intrusive and inappropriate modern steel gates with inappropriate railings.

29. Overall, the boundary walls and gates detract from the setting of the listed building by being overtly modern, highly incongruous and intrusive in their important historical context. I conclude that the metal gates and railings have harmed the setting of the listed building and the harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

4) The erection of a wall in the front garden to the front of the property, attached to the front bay window.

30. The evidence presented indicates that historically there was once a wall situated between the front gardens of the principal listed building and the south extension. This would have been located to the north of the main front door, in line with the south flank wall of the principal listed building. The older wall can be seen in photographic evidence. The new wall has been built in a different location to the original one and as a consequence of its poorly considered location intrudes on the nearby bay window; creating an unsuitable and uncomfortable relationship.

31. The historic wall was lower and constructed of soft and textured traditional bricks and topped with a soldier course in brick. The wall now in place is approximately 1.8 metres high and has been built of inappropriate, pale coloured and smooth modern bricks. As a result of its location, height, material and design, the wall is visually prominent, obtrusive and uncharacteristic of a Regency villa. As such it has harmed the significance of the listed building and the harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

6) The installation of a new roof at the property using artificial slate tiles.

32. With specific reference to the roof covering the appellant states that its colour, weathering and patina is wholly appropriate to maintain the character of the building. It is also stated that if the covering is artificial, it is not readily visible from any public vantage point including views from the Common.

33. Photographic evidence shows that the building has had its historic roof covering replaced with artificial slate. This is wholly unsuitable for use on a listed building because it is not a natural or traditional material. Furthermore, it has an inappropriate smooth texture compared with a natural slate product. The change is visually obtrusive and inappropriate for a Regency villa and the significance of the building has been harmed. The level of harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

8) The installation of three security lights at the front (west) of the property; 9) The installation of two security lights at the rear (east) of the property; and 10) The installation of a light above the left hand front door of the property

34. The lights in question are all relatively large and very prominently situated and visible from the public realm. The light above the doorway entrance is of plastic, which is an unsuitable material. These constitute modern intrusive clutter and are all prominent, visually obtrusive and uncharacteristic of a Regency villa. They have also resulted in unwarranted penetration into the historic fabric of the building, causing harm. As a consequence there is harm

to the significance of the listed building and that and that harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

20) The installation of signage above the right hand door and above and to both sides of the central front door on the west elevation of the property.

35. The appellant argues that the signage is non-illuminated, of a neutral colour (black) and small scale. However, it is plastic and is relatively large in scale, spread across part of the prominent frontage of the villa. It is visually prominent and distracting when viewing the building's historic frontage and has resulted in some harm to the historic fabric of the building through penetrations into the render. In particular, the signage above the Doric porch in antis is harmful since it visually detracts from the important central feature of the frontage.

36. The signage is part of the modern visual clutter and is prominent, obtrusive and uncharacteristic of a Regency villa and results in harm to its significance. That harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

23) The installation of six CCTV cameras to the property: three CCTV cameras on the west elevation, one CCTV camera on the east elevation and two mounted on a pole attached to the front gate of the property.

37. The cameras in question are modern visual intrusions on the building, some of which are clearly visible from the public realm. As modern paraphernalia on the building they constitute unsuitable and inappropriate visual features which contrast with the Regency villa on which they have been attached. Furthermore, the attachments themselves have penetrated the fabric of the historic building. They are part of the wider scheme of modern service clutter are therefore harmful to its significance. That harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

28) The installation of a black painted steel gate and grille to the front, on the west elevation facing Clapton Common.

38. These are situated in a highly visually prominent location and there is little evidence that careful consideration has been given to their design and materiality. They are visually intrusive and conflict with the historic surroundings and harm the significance of the Regency villa. That harm is 'less than substantial' in terms of the Framework. I consider public benefits below.

Ground (e) Conclusions

39. Paragraph 193 of the Framework advises that when considering the effect of works on the significance of designated heritage assets great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration of those assets. Given the degree of harm to the listed building and its setting, there has been clear harm caused to the significance of the building through the addition of poorly designed, modern features which incorporate unsuitable materials, causing physical harm to the structure of the building through unwarranted penetrations into the historic fabric. Furthermore, the setting of the building has been compromised by the external works to the boundary wall and other curtilage features. The use of inappropriate modern materials elsewhere on the building have resulted in the loss of historic fabric and the modernisation of an important historic building as

well as harming its relationship with its surroundings; particularly Clapton Common. I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

40. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the works, which includes securing the optimal use of the building. The appellant has stated that most of the works relate to security and are necessary and should be considered to be accepted minor additions to the listed building. I understand that the issue of security is paramount to faith schools in order to keep their students safe, but there is insufficient evidence before me that alternative, less prominent and less harmful security measures have been considered or could be implemented at the site. This includes features such as lighting, cameras, boundary treatment and access points.
41. Therefore, in my judgement there is insufficient evidence that the public benefits discussed by the appellant could not have been achieved by other means. Given the above, and in the absence of only limited public benefit, I conclude that those benefits do not outweigh the harmful effect on the special architectural and historic interest of the listed building. This would fail to satisfy the requirements of the Act, the Framework and would conflict with Policies LP1 and LP3 of the LP and Policies HC1, D4 and D5 of the London Plan.

The appeal on ground (g)

42. The ground of appeal is that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out. I have concluded that the boundary wall to Clapton Common and Craven Walk is harmful for the reasons set out above and the appellant does not offer a tangible argument as to why the requirements exceed what is necessary to restore the building. This also applies to the wall in the front garden which the appellant states is in keeping with the building. I do not agree with this point, nor that the measures required are excessive in this case.
43. With reference to the roof covering replacement, I cannot see any reasonable alternative than the reinstatement of the replace the roof covering with natural Welsh slate as was used on the original roof before the works took place. Finally, with reference to the erection of a roof extension with three rooflights attached to the listed building, the appellant contends that the measures are wholly excessive and unreasonable in the context of defining the character of the building. That does not fall to be argued in an appeal on ground (g). Although I understand the arguments being presented in relation to other approvals and consents for the appeal site, in the context of this LBEN I find that the demolition of the roof and reinstatement of the structure that formerly existed is a reasonable requirement to restore the building to its condition before the unauthorised works were carried out.
44. The notice requires the restoration of the building and curtilage features to the previous condition and it is clear to me that the measures required by the notice achieve that purpose and are not excessive in achieving its purpose. The information before me shows that the requirements of the LBEN are based on sound evidence, including photographs and other historic factual evidence. As such the appeal on ground (g) fails.

The appeal on ground (h)

45. The ground of appeal is that the period specified falls short of what should reasonably be allowed. The appellant has stated that the period is insufficient and the works of demolition and restoration are all part of a wider detailed programme to complete a previously approved scheme. It is suggested that a period of 24 months is required.
46. It is my understanding that the previously approved scheme 2018/0545 PP and 0579 LBC addressed some of the issues identified in the LBEN; however, also involved a range of other works and operations which are not relevant to the LBEN the subject of this appeal. It is not appropriate for me to consider this wider scheme of works when determining the suitable period for the works required by the LBEN. Given the scope of works required by the Notice, the timeframes likely to implement the requirements and the ongoing harm to the building by the unauthorised works, I consider the period of 15 months specified in the Notice is reasonable. The appeal on ground (h) does not succeed.

Formal Decision

47. I dismiss the appeal and uphold the listed building enforcement notice and refuse listed building consent 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.

A A Phillips

INSPECTOR