



Appeal Decision

Site visit made on 10 May 2022

by D Boffin BSc(Hons), DipTP, MRTPI, DipBldg Cons(RICS), IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th June 2022

Appeal Ref: APP/U5360/F/21/3287893

2-4 Paul Street, Hackney, London EC2A 4JH

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
 - The appeal is made by Mr Steve Atkins of Punch Pubs against a listed building enforcement notice (LBEN) issued by London Borough of Hackney.
 - The enforcement notice was issued on 14 October 2021.
 - The contravention of listed building control alleged in the notice is:
Without Listed Building Consent:
On the external elevation of the building:
 1. Installation of security cameras above ground floor doors.
 2. Installation of two alarm boxes.
 3. Installation of a large Bull & Bird plastic box on top of a lamp and a second matching at ground floor level by front door entrance.
 4. Boarding up two windows on ground floor elevation fronting Paul Street and two ground floor windows fronting Worship Street.
 5. Installation of six heaters on the ground floor elevation, four affixed to the Paul Street Ground Floor elevation and two to the Worship Street Elevation.
 6. Installation of advertising signage above the entrance door at ground floor level, fronting Paul Street.At first floor level (internal alterations):
 7. Installation of security cameras.
 8. Installation of a large flue air circulation system across the entire ceiling.
 9. Installation of speakers attached to the walls.
 10. Installation of three air conditioning/heaters - dimplex air curtains with a plug in system attached to the walls.
 11. Installation of metal bracketing attached to the entire interior wall of the room at ceiling level.
 12. Installation of a large projector screen attached to the wall and ceiling mounted projector with associated cabling.At second floor level (internal alterations):
 13. The installation of internal walls made from wood.
 - 14 The boarding up of windows.
 15. Installation of security cameras.
 - The requirements of the notice are shown in Schedule A annexed to this decision.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1)(b), (c) and (e) of the Act.
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Decision

1. The appeal is dismissed and the listed building enforcement notice is upheld. Listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Act.

Preliminary Matters

2. The appeal form indicated that the ground (e) appeal had been made in relation to matters 1, 2, 3 (in part), 4, 5, 13 and 14 cited above in the banner heading. Nevertheless, the appellant's agent subsequently requested that all the matters cited within the ground (c) appeal (7, 8, 9, 10, 11, 12 and 15) were considered within the ground (e) appeal if I find that those matters constitute a contravention of section 9(1) or (2) of the Act. The Council have had the chance to comment on all the matters as part of the ground (e) appeal therefore it would not be prejudiced by the consideration of those matters. As such, I have dealt with the ground (e) appeal on this basis.
3. Even though, the appellant's agent's submitted evidence referred to an enclosed Statement of Case that document was not enclosed. The agent was given an additional opportunity to submit it, but that document has not been received.
4. At the time of my site visit there was no 'boarding up' to one set of two windows on the ground floor, the large Bull & Bird plastic box and the advertising signage above the entrance door were not in place. However, I must deal with the allegations as set out in the notice.

Background and relevant policy

5. The appeal property was listed in Grade II on 4 February 1975 and the list description states, amongst other things, '*Former furniture showroom-warehouse in the Italianate style, c.1860, possibly for the firm Moore and Hunton, with 1887 remodelling and later alterations. Faced with stucco and with stone dressings. 3 storeys on corner site.*' It goes on to state that the summary of importance of the listed building is:

'This handsome Italianate building of c.1860 is thought to be one of the earliest showroom-warehouses in South Shoreditch, an area that from the mid-C19 to the mid-C20 was the hub of the international furniture trade. The area manufactured, sold and supplied furniture of all types and quality to retailers in the West End, provincial cities and throughout the British Empire. 2-4 Paul Street has special architectural interest for its richly detailed Italianate elevations and special historic interest for its position as an early surviving example of a showroom-warehouse in this significant furniture manufacturing area.'

6. The significance, architectural and historic interest of the listed building derives mainly from its high-quality architectural detailing and its design and use as a showroom-warehouse. The window and door openings and their architectural detailing are a significant feature of the character and architectural interest of the building. The building's form and layout provide aesthetic and evidential value attributable to its design and historic uses that contribute to its special interest/significance.
7. The property lies within the South Shoreditch Conservation Area (SSCA) and the predominant uses close to the appeal site are commercial. The building has a prominent position at the junction of Paul Street with Worship Street close to the southern boundary of SSCA. Based on my observations and the evidence before me the character, appearance and significance of SSCA appears to be derived from the quality and architectural detailing of the historic

buildings within it, their limited palette of materials, their historic furniture showroom/warehouse uses and the relationship of the buildings to each other and the areas between them.

8. In 2015 a listed building enforcement notice was issued by the Council with regard to various works internally on the first and second floors of the appeal building. The Council has stated that in March 2017 the site was viewed internally, and it was noted that considerable works had been carried out to remedy the breaches cited within that notice. Additionally, in 2020 a listed building consent application was refused for various works to the appeal building. The Council state that at that time its Conservation Officer visited the site and noted that new internal alterations had occurred to the listed building.
9. The relevant development plan policies are Policies D1 and HC1 of The London Plan 2021 (TLP) and Policies LP1 and LP3 of the Hackney Local Plan 2033 (HLP). These policies are consistent with the National Planning Policy Framework (the Framework). They are material considerations which I have taken into account in reaching my decision.
10. Section 16(2) of the Act requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

The ground (b) appeal

11. The appellant has stated that the Bull & Bird plastic box and the advertising signage above the entrance door have been removed. As stated previously those items were not in place at the time of my site visit. Nevertheless, in order to succeed on a ground (b) appeal, the appellant must show on the balance of probability that the matters alleged have not occurred as a matter of fact. It is apparent from the Council's photographs appended to the LBEN that those works were in place prior to the LBEN being issued. There is no evidence to indicate that those works were not in place at the time the notice was issued. The fact that those works have now been removed simply means that the appellant has complied with some parts of the LBEN.
12. As such, on the balance of probability, the matters alleged have occurred as a matter of fact. Therefore, the appeal on ground (b) must fail.

The ground (c) appeal

13. An appeal on ground (c) is that those matters (if they occurred) do not constitute a contravention of sections 9(1) or (2) of the Act. Section 9(1) states that if a person contravenes section 7 he shall be guilty of an offence. Section 7 of the Act states, amongst other things that '*... no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special or architectural or historic interest unless the works are authorised*'.
14. The appellant's case on ground (c) is limited to the works cited as numbers 7, 8, 9, 10, 11, 12 and 15 within section 3 the LBEN. Accordingly, there is no basis on which the LBEN could be quashed under ground (c), but there is scope for argument over whether the notice can require removal of those works.

15. There is no dispute that the works were carried out without listed building consent (LBC). The question is therefore whether the works have affected the character of the listed building, as one of special architectural and/or historic interest. This is irrespective of whether the works are considered to be harmful or not to that character.
16. As stated previously the building's historic interest is largely derived from it being an early surviving example of a showroom-warehouse. The submitted photographs from 2017 indicate that internally the first and second floors were relatively open plan with high ceilings and lit by numerous windows. In my judgement, the layout and form of the first and second floors provided aesthetic and evidential value, of its design as a showroom/warehouse, that contributes to its historic interest.
17. The installation internally of security cameras, a flue air circulation system, speakers, three air conditioning/heaters, metal bracketing attached at ceiling level, a projector screen and a projector with associated cabling are all visually prominent modern additions. Whilst each security camera is quite small there are numerous ones, and they are viewed in association with the other modern additions. Individually and cumulatively these works have eroded the aesthetic and evidential value provided by the layout and form of the internal spaces through the introduction of visual clutter close to the ceilings.
18. Consequently, as a matter of fact and degree, I consider that the works cited have affected the character of the building as one of special architectural or historic interest. These works have not been authorised, and a contravention of section 9(1) of the Act has thus occurred. The appeal on ground (c) therefore fails.

The ground (e) appeal

19. This ground is that listed building consent should be granted for the unauthorised works.

Main Issue

20. Based on my observations and the evidence before me I consider that the main issue is whether the unauthorised works preserve the special architectural and historic interest of the listed building whether they preserve or enhance the character or appearance of SSCA and whether the significance of the heritage assets is harmed.

Reasons

External alterations

21. The security cameras above the ground floor doors are small in size. However, given their colour and position adjacent to the doorways they are visually intrusive and compete for attention with the architectural detailing of those doorways. As such, they erode the architectural interest of the building. The alarm boxes are close to each other and one of the security cameras. For similar reasons to the security cameras their colour and position mean that they are also visually intrusive.
22. The lamps, adjacent to the one ground floor doorway, are based on a traditional 19th Century design. Nevertheless, they are relatively large, and

their brackets extend over different courses of the banded rustication. As such, they visually compete with and detract from the architectural detailing around the doorway.

23. The boarding up of the windows on the ground floor elevations appears to entail the application of opaque coloured film to the glazed areas. The film has been designed to act as advertisements for the use of the building. On the day of my site visit the 2 windows on the Worship Street elevation were not covered with the film shown in the photographs attached to the LBEN. Nevertheless, it is apparent from my observations and the photographs that the boarding up of the windows by the application of the film harms the architectural interest of the building. This is because the ground floor windows are large apertures that were designed to act as shopfronts for the showroom/warehouse. However, the film and the advertisements they contain divert attention away from these windows and they obscure views into the building from the street.
24. The 6 heaters have been installed centrally in front of 4 of the window openings on the Paul Street elevation and 2 of the window openings on the Worship Street elevation. The dark colour of the heaters reduces their visual impact but their positions within the window openings means that they intrude and compete with the architectural composition of the ground floor window openings.
25. Overall, for the reasons given above I find that individually and cumulatively the unauthorised works to the external elevations have had an adverse effect on the special interest and significance of the listed building. I saw that the majority of these unauthorised works are visible from Paul Street and Worship Street within the SSICA. They individually and cumulatively erode the architectural interest of this prominent historic building, which makes a positive contribution to the significance of SSICA. I, therefore, conclude that the works do not preserve or enhance the character or appearance or significance of the SSICA and they are in conflict with the requirements of the Act.

Internal alterations

First floor

26. The security cameras installed on the first floor are individually relatively small. Nonetheless, there are numerous of them, and they are in the main attached to the metal bracketing that also forms part of the works affected by the LBEN. As such, they are viewed as part and parcel of those works. The security cameras and metal bracketing have introduced visual clutter close to the ceiling that has eroded the aesthetic and evidential value provided by the layout and form of the first floor.
27. The flue air circulation system has also been installed across the ceiling of the first floor. It comprises silver-coloured pipework that extends across and down from the ceiling. Due to the materials utilised for the pipework and its bulky design it results in an obtrusive and visually alien addition to the space that forms the majority of the first floor of the listed building.
28. A number of relatively large speakers have been installed around the walls and due to the amount, size and positions of them they are visually intrusive and divert attention from the architectural detailing adjacent to them.

29. The dimplex air curtains and associated plug-in system have been installed on sections of wall between window openings. Each unit extends across the majority of the wall space between the openings and above each one is a plug/switch which in part is red in colour. Given the size, position and colour of these works they also divert attention away from the architectural detailing and are visually intrusive in this space.
30. A projector and associated cabling have been mounted from the ceiling and a projector screen has been installed against one of the walls. The screen is retractable but when open it would be relatively large in size. Together these works are also visually intrusive in this space.
31. As the works to the first floor are all internal they have no impact on the SSQA. Nonetheless, for the reasons given above I find that individually and cumulatively the unauthorised works to the first floor have harmed the special interest and significance of the listed building.

Second floor

32. A number of security cameras have been installed on the walls/ceilings of the main space/room on the second floor. They are of a similar size/design as that installed on the first floor. However, there is no metal bracketing on the second floor but the walls and ceiling of the second floor are mainly painted in a dark colour. Given the light colour of the security cameras and the number of them, they are visually intrusive within this space.
33. The majority of window openings within the main space/room on the second floor have been boarded over internally. Therefore, no day/sunlight enters that room. It appears to have been carried out to facilitate the use of the space as a computer and other games room. In places the architectural detailing of the window openings is still visible but the windows themselves are not visible from within the room. The boarding up of the window openings has significantly eroded the aesthetic and evidential value provided by the architectural detailing and the layout and form of this space.
34. The main space/room on the second floor has been reduced in size by the introduction of timber stud partition walls to form a separate office space. The partition walls extend from the floor to the ceiling and one of the walls has been installed close to the moulded architrave of one of the window openings. The office side of the partitions has been left unfinished and the studs and timber form work is visible. The subdivision of the second floor has eroded the evidential and aesthetic value provided by the layout and form of this space. Moreover, the crude design and materials of the partitioning and its proximity to the architrave have eroded the aesthetic value that the architectural detailing provides.
35. The works to the second floor are all internal but the boarding up of the windows has also resulted in lettering that acts as advertising being visible from Paul and Worship Streets within the window openings. That lettering diverts attention from and therefore erodes the architectural interest of this prominent historic building, which makes a positive contribution to the significance of the SSQA. Consequently, whilst the magnitude of the harm of boarding up of the windows may be concluded to only be minor adverse in the context of the SSQA as a whole, it nevertheless fails to preserve it, and so is in conflict with the expectations of the Act.

Conclusion – ground (e) appeal

36. In conclusion, I consider that the unauthorised works as a whole or in part fail to preserve the special interest of the listed building and the character and appearance of the SSICA contrary to the expectations of the Act. I must attach considerable importance and weight to these considerations when reaching my decision. I conclude that the harm caused to the designated heritage assets, is, in the context of the significance of the assets as a whole and in the language of the Framework, less than substantial. In those circumstances, paragraph 202 of the Framework says that this harm should be weighed against the public benefits of the works including, where appropriate, securing its optimum viable use. Even though I have found that the harm to the designated heritage assets is less than substantial, it is not to be treated as a less than substantial objection.
37. The continued viable use of this prominent listed building within the SSICA can reasonably be treated as a public benefit. However, there is little evidence before me to indicate that there are no alternative ways, to the works that have been carried out either individually or cumulatively, of facilitating the viable use of the building. As a result the weight attributable to this public benefit is modest and it does not outweigh the great weight to be given to the harm to the significance of the heritage assets. As such, the works do not comply with paragraph 202 of the Framework and would conflict with the design and heritage aims of HLP Policies LP1 and LP3 and TLP Policies D1 and HC1.
38. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal on ground (e) fails and listed building consent is refused.

Other Matters

39. In reaching my conclusions on all of the grounds of appeal I have taken into account all of the other matters raised by the appellant and the Council. However, none of these alters any of my conclusions on the various grounds of appeal and nor is any other factor of such significance so as to change my decision.

Overall Conclusion

40. For the reasons given above, I conclude that the appeal shall not succeed. I shall uphold the LBEN.

D. Boffin

INSPECTOR

SCHEDULE A

On the external elevation of the building:

1. Remove all and any security cameras from the ground floor frontage of the property. An example of one is shown in photo 14 appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
2. Remove the two alarm boxes from the ground floor elevation, as shown in photo 14 appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
3. Remove the two large front lamps and the large plastic Bull & Bird box placed on top of one of the lamps from the front elevation at ground floor level as shown in photos 15 & 16, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
4. Remove all the coverings from the two windows on ground floor elevation fronting Paul Street and two ground floor windows fronting Worship Street, as shown in photos 18 & 19 Appendix 1. Reinstall the glass windows to the previous state they were before the coverings were installed. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
5. Remove all of the six heaters on ground floor elevation, four on the Paul Street Ground Floor elevation and two on the Worship Street Elevation, an example of one of the heaters is shown in photo 17 appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
6. Remove the advertising signage over the entrance door at ground floor level, fronting Paul Street, as shown in photo 20 appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).

At first floor level (internal alterations):

7. Remove all of the security cameras that have been installed on the first floor, an example of which is shown and labelled in photo 13 appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
8. Remove the large flue air circulation system located across the entire ceiling at first floor level, as shown in photos 9 & 10 appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
9. Remove the speakers attached to the walls on the first floor. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
10. Remove the three dimplex air curtains and associated plug in system attached to the walls on the first floor, one of which is shown in photo 11, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
11. Remove the entire metal bracketing attached to the entire interior walls and ceiling on the first floor as shown in photos 9 & 10, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).
12. Remove the Large projector screen attached to the wall and ceiling mounted projector with associated cabling from the ceiling and wall at first floor level, as shown in photos 12, appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).

At second floor (internal alterations):

13. Remove the wood internal partition walls installed to create the small office on the second floor. Reinstall the previous open floor layout of the second floor. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).

14. Remove all wood boarding from the windows which have been covered over on the second floor. Reinstall the windows ensuring that the wood surrounds and windows return to their previous state before they were boarded over. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).

15. Remove all of the security cameras that have been installed on the second floors, an example of which is shown and labelled in photo 13 appendix 1. Repair any damage to the listed building using appropriate materials and techniques (outlined in appendix 2).

16. Make good all damage to the Property resulting from compliance with the other requirements of the notice.

17. Remove all waste, materials, equipment, and debris from the Property.