



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: 20th June 2022

Appeal Ref: APP/U5360/F/21/3287965

Units 1 – 16, Cleeve Workshops, Boundary Street, Hackney, London E2 7JD

- 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 Ben Chesterfield against a listed building enforcement notice (LBEN) issued by London Borough of Hackney.
- The enforcement notice was issued on 15 October 2021.
- The contravention of listed building control alleged in the notice is without listed building consent the following works have taken place at the site;
 1. Installation of metal bars externally on the windows and doors of 'Unit 1'
 2. Installation of obscured glass panes in the windows and doors of 'Unit 2'
 3. Installation of signage in between 'Units 2 & 3'
 4. Installation of obscured glass in the front window and the bottom door panel of 'Unit 3'
 5. Installation of metal bars internally on the Windows of 'Unit 3'
 6. Installation of round modern light between 'Units 4 & 5'
 7. Installation of metal bars internally at 'Unit 5'
 8. Installation of signage between 'Units 4 & 5 & Units 6 & 7'
 9. Installation of keybox on the front of 'Unit 6'
 10. Installation of signage between 'Units 7 & 8'
 11. Installation of a yellow yale burglar alarm, two key boxes and a light at 'Unit 8'
 12. Installation of obscured glass in the door and window at 'Unit 9'
 13. Installation of obscured glass in the door at 'Unit 10'
 14. Digging up the floor at 'Unit 10'
 15. Removal of windows and boarding up the window space at 'Unit 10'
 16. Re-covering of roof of 'Unit 10'
 17. Installation of obscured glass panes in the door and window at 'Unit 11'
 18. Installation of a yellow yale burglar alarm unit at 'Unit 13'
 19. Installation of a ring camera at 'Unit 13'
 20. Installation of light at 'Unit 13'
 21. Installation of artificial plants attached to the 'Units 14 & 15'
 22. Installation of signage in between 'Units 14 & 15'
 23. Installation of light and lightswitch at 'Unit 14'
 24. Installation of decking to the front of 'Units 14 & 15'
 25. Installation of obscured glass on door and window of 'Unit 16'
 26. Installation of plastic cabling above the window and doors of each unit
 27. Installation of black and white paving at 'Units 8, 12 & 13'.
- 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)(d), (e), (g), (h) of the Act.

Summary Decision: The appeal succeeds in part on ground (e), otherwise the appeal is dismissed, as set out in the Formal Decision below.

Preliminary Matters

1. The appellant has stated, and I observed at the site visit, that the works cited as points 7, 9 and the key boxes cited within point 11 of section 3 of the LBEN have been removed. I also noted that the artificial plants cited at point 21 have also been removed. In relation to Unit 10 the appellant has stated that he is willing to comply with the requirements of the LBEN in respect to the works cited as points 14, 15 and 16 in section 3. Moreover, I noted at the site visit that the windows at Unit 10 appeared to have been reinstated and its roof and floor had been replaced. Consequently, my decision for the appeal on ground (e) does not cover the above works.
2. The appellant has also stated within his ground (g) appeal that it is not known when the individual panes of clear glass were replaced with obscure glass as they were installed prior to him purchasing the property. The appeal building was listed in 1988 and any works carried out since then, without the benefit of listed building consent and that have affected the special architectural and historic interest of the building, are in contravention of section 9 of the Act. If the obscure glazing was in place prior to the date of listing the works carried out do not constitute a contravention of the Act. That could reasonably be treated as a ground (c) appeal. However, the appellant has not produced any substantive evidence that any or all of the obscure glass panes were installed prior to the building being listed and his evidence is that *'he accepts that the works... constitute a breach of planning control'*. As such, I have not considered a ground (c) appeal for these works.

The Notice

3. On an appeal any defect, error, or misdescription in a listed building enforcement notice may be corrected using the powers available in section 41(1)(a) of the Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority.
4. Both parties were consulted as to whether they considered the LBEN could be corrected/varied to remove the works described at points 24 and 27 of the description of the alleged contravention and the associated requirements at points 24 and 27 without injustice to them. These works relate to the installation of decking to the front of units 14 & 15 and the installation of black and white paving at units 8, 12 & 13. Based on my observations at the site visit I considered that the inclusion of items 24 and 27 in the notice may have been in error as those works appeared to be adjacent to the listed building and did not appear to be works to the listed building itself.
5. In its response the Council have stated that it considers that both the decking and the tiling are alterations that affect the historic interest and characteristics of the listed building. Further, it invites me to conclude that the decking is not only adjacent to the listed building but also extending out from the front elevation.
6. Section 7 of the Act states that *'Subject to the following provisions of this Act, 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'*. The Act does not define 'alteration'; however, section 1(5) defines a listed building to include any object or

structure fixed to the building. The decking and its handrail abut the front elevation of the building but there is no indication that it is fixed to the building. Therefore, in my judgement the decking cannot be treated as an alteration to the listed building.

7. The ordinary dictionary definition of an extension is, the act of making something bigger, an enlargement. The decking is a structure that visually extends out from the front elevation. Furthermore, it can be used as an external seating area. However, it does not enlarge or make the listed building itself any bigger. As such, I do not consider that the decking constitutes an extension to the listed building.
8. The black and white paving also abuts up to the front elevation of the listed building and it is fixed to and has altered the ground/yard in front of that building. However, the ground/yard does not form part of the listed building itself and therefore the installation of the paving does not constitute an alteration to the listed building.
9. I therefore intend to correct the LBEN by deleting the whole of the text associated with points 24 and 27 within section 3 the LBEN and varying it by deleting the whole of the text associated with points 24 and 27 within section 5 of the LBEN. I then intend to renumber points 25 and 26 within section 3 of the LBEN as points 24 and 25 respectively. I also intend to renumber points 25, 26, 28 and 29 in section 5 of the LBEN as points 24, 25, 26 and 27 respectively.
10. In my judgement, the installation of the decking and black and white paving has been included within the contravention of listed building control by error. The corrections of that error, and the variations of the associated requirements, relates to a matter of fact and therefore I consider I can carry out these corrections and variations without injustice to either party.

Background and relevant policy

11. The appeal property was listed in Grade II on 22 March 1988 and the list description states: *'Row of workshops. 1895-8. Architect, Reginald Minton Taylor of London County Council. Yellow brick. Low pitched roofs to eaves. 1 storey. Each workshop has wide door to right, planked with upper part glazed; small panes; glazing bars. Above and to left of door further glazing (4-lights to left of door and 3-lights to fanlight); small panes, glazing bars. Party walls project above roofline between units. An integral part of the pioneering Boundary St Estate (qv Tower Hamlets).'*
12. I consider that the significance/special interest of the listed building is largely derived from its age, form, fabric, architectural features, its historic use as workshops as part of Boundary Street Estate and its association with a distinguished architect. Even though the building is divided into several separate small units the uniformity of the building's historic architectural features contributes significant aesthetic and evidential value to its special interest/significance. The evidence before me indicates that Cleeve House, an adjacent building, is also listed in Grade II and was designed by the same architect and at a similar time to the appeal building.
13. Cleeve House fronts onto Calvert Avenue near to its junction with Boundary Street. The appeal building is to the rear of Cleeve House and given that the

latter is 4 storeys plus a storey within the roof the appeal building has the appearance of being within the rear yard area of Cleeve House. The appeal building is seen from Boundary Street and its junction with Calvert Avenue with Cleeve House. It is also viewed from within the rear yard area that is between the listed buildings by customers and staff of the commercial units in the appeal building and residents and staff of the commercial and residential units in Cleeve House. In these respects, the setting provided by the rear yard area in close proximity to Cleeve House makes a positive contribution to the significance of the listed buildings through the evidential and aesthetic group value of the ensemble. This ensemble also makes a significant contribution to the character and appearance of the area.

14. The property lies within the Shoreditch High Street Character Area of the South Shoreditch Conservation Area (SSCA) and the predominant uses close to the appeal site are a mix of commercial and residential. Based on the evidence before me and my observations the character, appearance and significance of this part of the SSCA appears to be derived from the quality and architectural detailing of the historic buildings within it, their limited palette of materials, their historic commercial uses and the relationship of the buildings to each other and the areas between them.
15. The development plan policies cited within the LBEN 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). The SSCA Appraisal is also cited within the LBEN. They are material considerations which I have taken into account in reaching my decision.
16. 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.
17. In 2015 planning permission and listed building consent¹ was granted for the erection of 2 metre high gates to the yard entrance. There is no dispute that these permissions have been implemented.

The ground (d) appeal

18. This ground of appeal addresses situations where essential and urgent works were needed to preserve the listed building. The emphasis is on the words '*essential*' and '*urgent*' and the '*need to preserve*'. As such, three tests must all be satisfied. Firstly, that the works were urgently necessary in the interests of safety or health; secondly, that it was not practicable to achieve the aims of safety, health or preservation of the building by repair or temporary support; and thirdly, that the works carried out were the minimum measures immediately necessary to achieve the aims of safety, health or preservation.
19. The appellant has indicated that the replacement of clear glass panes with obscure glass within the various windows and doors of the listed building has occurred over many years and I have no reason to dispute this. It is also likely that they were replaced due to the previous glass panes being broken for

¹ Ref Nos: 2015/0833 (PP) and 2015/0773 (LBC)

several reasons which may have included vandalism, burglary or weather conditions. However, whilst accepting this, there is little indication that the replacement of the glass panes was urgently necessary in the interests of health and safety. This is because there are no specific details of why or when the panes of glass were replaced.

20. Even though the appellant has stated that he is willing to reinstate the windows and floor and re-cover the roof of Unit 10, and those works appear to have been completed, he maintains that the unit was unoccupied and in need of urgent repair. He also states that the works were temporary and that a listed building application² was submitted on 22 September 2021 for internal alterations to unit 10; installation of projecting signs and exterior lighting.
21. Nonetheless, the evidence before me indicates that the works were carried out prior to the listed building application being submitted and there is little indication that works to remove the windows, the floor and roof covering were urgently necessary in the interests of health and safety. This is because there is no technical evidence, such as a structural survey, to indicate the condition of this part of the listed building prior to the works being carried out.
22. As a result, there is no convincing evidence before me to suggest that the works carried out were in themselves so urgently necessary for safety and health that listed building consent could not have been applied for beforehand. Moreover, there is no evidence to suggest that works for making the windows and unit 10 safe or for its repair could not have been achieved by way of works of a more minimal temporary nature while an application for listed building consent was prepared. Consequently, the three tests are not satisfied and the appeal on ground (d) fails.

The ground (e) appeal

23. This ground is that listed building consent ought to be granted for the works.

Main Issue

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

Reasons

25. The LBEN (as corrected) identifies 25 different works that are unauthorised. A number of the works, to be dealt with under this ground, are similar to each other in respect of their overall purpose and impact on the character, appearance and significance of the heritage assets. As such, to avoid repetition I have grouped the similar works together and the numbers in brackets refers to the points cited within section 3 the LBEN (as corrected).

Security measures

26. Metal bars or grills have been applied externally to the windows and door of unit 1 (1) and internally behind the windows of unit 3 (5). Those attached

² Ref No: 2021/2885

externally to Unit 1 are painted in a similar colour to that of the paintwork of its windows and door. However, they are clearly of a modern design, and they partially obscure and divert attention from those windows and doors. Additionally, those impacts reduce the visual uniformity of the architectural detailing. Consequently, they significantly erode the aesthetic value that these windows and doors contribute to the special interest/significance of the appeal building.

27. The metal bars installed within unit 3 do not partially obscure its windows in views of the listed building from the rear yard area or the public realm. Nevertheless, to an extent they divert attention from that architectural detailing, and they reduce its visual uniformity. As such, to a lesser extent than those at unit 1, the metal bars at unit 3 also erode the aesthetic value that its windows contribute to the special interest/significance of the listed building.
28. Two similar design burglar alarm boxes have been installed on the appeal building. One is between units 8 and 9 (11) and the other between units 13 and 14 (18). The boxes are mainly yellow in colour with a blue section near the base. Even though the yellow colour of these boxes is similar to the colour of the painted woodwork to one of the units the combination of the yellow and blue together in the boxes draws the eye and diverts attention away from the adjacent architectural detailing. In doing so, I consider that that the colouring of the boxes makes them obtrusive, inappropriate and harmful additions to the listed building.
29. Four lights of differing design have been installed on the appeal building. One is between units 4 and 5 (6), the second is between units 8 and 9 (11), the third is between units 13 and 14 (20) and the fourth is between units 14 and 15 (23). The light between units 4 and 5 is relatively large, round and is a surface mounted modern design. The one between units 8 and 9 is a modern interpretation of a hanging lantern design and has an attached motion sensor as part of that design. The third light is a modern interpretation of a bulkhead design light. The fourth is a hanging lantern based on a historical design but associated with it is a line of trunking and a switch box. The designs of the round and lantern lights are at odds with the relatively simple architecture of this workshop building. Moreover, the lights and the switch box are all on the front elevation of the building and are seen in views from the rear yard of that elevation. As such, the variance in the design, materials and size of the lights draws attention to them. That variance also erodes the aesthetic value that the uniformity of the architectural detailing contributes to the building's special interest/significance.
30. A ring camera (19) has been installed adjacent to the alarm box and light that have been installed between units 13 and 14. Whilst the camera part is relatively small there is also a black box above it that appears to form part of the overall ring camera. Moreover, the ring camera is seen in conjunction with the alarm box and light. As such, the ring camera forms a part of the clearly modern additions that visually compete and divert attention away from the adjacent architectural detailing.
31. Overall, for the reasons given above I find that individually and cumulatively these security measures have had an adverse effect on the special interest and significance of the appeal building. I observed that even though, unit 1 is itself

partially obscured in views from Boundary Street and its junction with Calvert Avenue by a brick pillar the external metal bars are still apparent in those views. Furthermore, the erosion of the aesthetic value of the listed building, attributable to the security measures, also harms the contribution that setting makes to the special interest/significance of the appeal building and Cleeve House. Furthermore, the contribution the appeal building makes to the aesthetic value and significance of the SSCA has been reduced.

Security measures – public benefit

32. I conclude that the harm I have identified above 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.
33. In this regard I accept that the units within the appeal building provide employment and that their use contributes to the overall commercial viability and vitality of this part of SSCA and as such is a public benefit. I acknowledge that the metal bars were introduced due to the high value of items that are stored/made/sold within the units. However, I also observed that retail units within nearby buildings including Cleeve House have retractable internal grills that appear to have minimal visual impact when open. I also understand that the other security measures were introduced to help protect staff and customers due to incidents that have occurred in the units and the rear yard area as the recently approved gates have to remain open due to fire escape requirements for Cleeve House.
34. Nevertheless, from the evidence before me, I am not convinced that there would not be a more sympathetic way to introduce security measures on this site in a way which would be less harmful to the special character and interest of the listed building. Indeed, it is apparent from the appellant's appeal submission in relation to the ground (g) appeal that it is considered that there are alternatives to these measures. Against that background there is no substantial evidence before me to demonstrate that the property would not continue to be viable as commercial units (its optimum viable use) without this particular scheme of security measures in place. As such, I attach modest weight to this public benefit.
35. The public benefit would therefore not outweigh the considerable importance and great weight to be given to the harm to the heritage assets. As such, these 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.
36. As stated above, the appellant has suggested within his ground (g) appeal that alternative/replacement security measures conditions could be '*agreed as a condition of approval*'. However, a ground (e) appeal is that listed building consent ought to be granted for the works, that is the existing works affected by the LBEN. There is little evidence before me to indicate how the existing security measures can be modified to mitigate the harm identified above. In my judgement, the imposition of conditions relating to alternative/replacement

security measures would equate to granting listed building consent for proposed rather than existing works and therefore cannot be considered as part of this ground of appeal. I will consider the variation of the requirements within the ground (g) appeal below.

Obscure glazing

37. Several clear panes of glass (2, 4, 12, 13, 17, 24(as corrected)) within the windows and doors of the appeal building have been replaced with obscure glazing of various designs including Georgian wired glass. The aesthetic and evidential value provided by the uniformity of the architectural detailing makes an important contribution to the special interest/significance of the appeal building. In my judgement, the window and doors would have been designed to contain clear glazing to maximise the amount of natural light entering each workshop unit.
38. I acknowledge that it is highly likely that the individual panes were replaced on a piecemeal basis as and when their replacement was required. Moreover, the replacement of an individual pane of clear glass with obscure glass by itself has little effect on the character and special interest of the appeal building. However, I agree with the Council that taken together as a whole the combined effect of the various designs of obscure glazing creates a visual 'patchwork quilt' across the windows and doors. This has eroded the aesthetic value that the architectural detailing contributes to the building's special interest/significance.
39. The obscure glazing therefore harms the special interest/significance of the appeal building. Furthermore, as stated previously, the erosion of the aesthetic value of the listed building also harms the contribution that; setting makes to the special interest/significance of both listed buildings; and the contribution the appeal building makes to the aesthetic value and significance of the SSQA.

Obscure glazing - public benefit

40. The harm I have identified above 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. I understand that some of the obscure glazing provides privacy for the clients/customers within the units. However, whilst that may be desirable for those clients/customers there is little evidence before me to indicate that the occupiers of those units would vacate the unit if the glazing was replaced with clear glass. Moreover, I consider that a more sympathetic alternative way of providing privacy within the units could be achieved. Consequently, even if the provision of privacy is treated as a public benefit it has little weight in support of these works.
41. The public benefit would therefore not outweigh the considerable importance and great weight to be given to the harm to the heritage assets. As such, these 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.

Signage

42. Signage has been installed on the brick work between some of the units (3, 8, 10 and 22). The individual signs are all relatively small and they have all been installed close to the eaves of the building. Whilst their methods of fixing and

dimensions are slightly different to each other, they all have the appearance of hanging signs that would traditionally be in existence on commercial/retail units. As a result they have a relatively uniform overall appearance. In addition given the commercial uses of the appeal building the introduction of this type of signage is not visually obtrusive. The installation of the signs will have resulted in some holes being formed in the fabric of the building due to the methods of fixing. However, the loss of historic fabric would have been negligible.

43. It seems to me that the signage enforced against does not reduce the aesthetic or evidential value of the appeal building and it therefore does not harm its special interest/significance. Consequently, it also preserves the contribution that; setting makes to the special interest/significance of both listed buildings; and the contribution the appeal building makes to the aesthetic value and significance of the SS CA.
44. Overall, I consider that listed building consent should be granted for the installation of the signage. The appeal in relation to this aspect of the works succeeds on ground (e).

Cabling

45. The LBEN also refers to the installation of plastic cabling above the windows and doors of each unit (25 (as corrected)). I observed that there appears to be various types of plastic cabling in place just below the eaves/guttering and above the windows and doors of the appeal building. However, there is also plastic pipework, which appears to be partially covered in insulation, which has also been installed above the windows and doors and it extends down the brickwork in between some of the units. This plastic pipework is of a different appearance and nature to the plastic cabling and is, in my judgement, not part of the works included as part of the LBEN. Consequently, it is only the plastic cabling that forms part of the ground (e) appeal.
46. The cabling is required for power and internet access to be available for the users of the units. The cabling is largely of a dark colour and close to the guttering which is also dark in colour. As a result the cabling is not visually intrusive and its method of fixing appears to have had negligible impact on the historic fabric of the appeal building. In my judgement, the plastic cabling does not reduce the aesthetic or evidential value of the appeal building and it therefore does not harm its special interest/significance. Consequently, it also preserves the contribution that; setting makes to the special interest/significance of both listed buildings; and the contribution the appeal building makes to the aesthetic value and significance of the SS CA.
47. Overall, I consider that listed building consent should be granted for the installation of the plastic cabling. The appeal in relation to this aspect of the works succeeds on ground (e).

Conclusion – the ground (e) appeal

48. For the reasons given above I conclude that the appeal should succeed in part only. I will grant listed building consent for the signage and plastic cabling (points 3, 8, 10, 22 and 25(as corrected)) that are subjects of the LBEN, but otherwise I will uphold the LBEN with corrections and variations and refuse to grant listed building consent in relation to the security measures and obscure

glazing (points 1, 2, 4, 5, 6, 11, 12, 13, 17, 18, 19, 20, 23 and 24 (as corrected)).

The ground (g) appeal

49. The ground of appeal is that the requirements of the notice (as varied) exceed what is necessary for restoring the building to its condition before the works were carried out. There is no need for me to consider the requirements cited as points 3, 8, 10, 22 and 25 within the LBEN, as varied, since the appeal in respect of these matters has succeeded under ground (e).
50. As stated previously, part of the appellant's evidence on this ground of appeal relates to the submission and agreement of alternative/replacement security measures. However, I have found within the ground (e) appeal that I cannot consider the imposition of conditions within it in this regard. Moreover, a requirement to carry out works in accordance with a scheme to be agreed with the planning authority is not acceptable as the courts have found it renders the notice a nullity. There is no specific detail provided on what form the '*appropriate alterations to the existing situation*' would take. Therefore, I am unable to vary the requirements in relation to alterations to the security measures with sufficient precision.
51. In relation to the obscure glazing the appellant has stated that the list description does not mention the condition of the glazing at the time of listing and the images available of Historic England's website date from 2018. He therefore considers that the exact condition of the workshops particularly in regard to the design of the panes of glass installed at the time of listing is unknown.
52. Nevertheless, the list description states, amongst other things: '*planked with upper part glazed; small panes; glazing bars. Above and to left of door further glazing (4-lights to left of door and 3-lights to fanlight); small panes, glazing bars.*' The glazing is therefore specifically mentioned within that description but there is no indication that any of it was obscure glazed. No specific evidence such as dated photographs from near to the date of listing has been provided by either main party. I consider that if the glazing had been a mixture of clear and obscure glass at that time it would have been cited within that description. It is highly likely that the windows and doors were originally clear glazed as retained within the windows and doors of some of the individual units. Consequently, based on the evidence before me it is more likely than not, on the balance of probability, that the panes of obscure glazing have been installed since the building was listed.
53. Taking into account all of the above, I therefore do not consider that the requirements with respect to the security measures and obscure glazing exceed what is necessary to overcome the breach of listed building control and there are no lesser steps which would restore the building to its former condition. The appeal fails therefore on ground (g).

The ground (h) appeal

54. The issue is whether the compliance period of 6 months is reasonable. The appellant has requested the period for compliance be increased to 12 months in order to allow him time to reach agreement with the Council, apply for planning consent if required and notify the current tenants of any works necessary. The

appellant also states that he requires the additional time to raise the funds to carry out the remedial works and to find the right contractors to carry out the works to the required high standards.

55. I accept that discussions with the Council will be required in relation to a comprehensive scheme of alternative security measures and an application/s for consent may also be required. However, 6 months appears to be a reasonably generous period for any necessary consent to be obtained and the works to be then undertaken. In addition given the reduced scope of works required by the LBEN (as corrected and varied) and the ongoing harm to the building by the unauthorised works, I consider the compliance period specified in the LBEN is reasonable. There is no specific evidence before me to indicate why additional time is required to raise funds especially now that the impact of the Covid-19 pandemic appears to be receding. Furthermore, as stated by the Council, it has discretionary powers that can be used to extend the time limit for compliance if deemed necessary. The appeal on ground (h) therefore fails.

Other Matters

56. 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, the interested parties 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

57. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant listed building consent for the signage and plastic cabling (points 3, 8, 10, 22 and 25(as corrected)) that are subjects of the LBEN, but otherwise I will uphold the LBEN with corrections and variations and refuse to grant listed building consent in relation to the security measures and obscure glazing (points 1, 2, 4, 5, 6, 11, 12, 13, 17, 18, 19, 20, 23 and 24 (as corrected)).

Formal Decision

58. It is directed that the listed building enforcement notice be corrected by:
- deleting the whole of the text associated with points 24 and 27 within section 3 the LBEN;
 - renumbering points 25 and 26 within section 3 of the LBEN as points 24 and 25 respectively.
- and varying it by:
- deleting the whole of the text associated with points 24 and 27 within section 5 of the LBEN.
 - renumbering points 25, 26, 28 and 29 in section 5 of the LBEN as points 24, 25, 26 and 27 respectively.
59. The appeal is allowed on ground (e) insofar as it relates to points 3, 8, 10, 22 and 25 and listed building consent is granted for the retention of signage between; units 2&3; units 4&5: units 6&7 and units 14&15 and the retention of plastic cabling above the windows and doors of each of units 1 – 16, Cleeve Workshops, Boundary Street, Hackney, London E2 7JD.
60. The appeal is dismissed and the listed building enforcement notice is upheld as corrected and varied, insofar as it relates to points 1, 2, 4, 5, 6, 11, 12, 13, 17,

18, 19, 20, 23 and 24 (the security measures and obscure glazing), and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Act.

D Boffin

INSPECTOR

SCHEDULE A

1. Remove the external metal bars from the windows and doors of 'Unit 1' as shown in photo 1, appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2).
2. Remove all the obscured glass from the windows and door of 'Unit 2', as shown in photo 2 appendix 1 and replace with clear glass using the method described in appendix 2. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2).
3. Remove the signage in between 'Units 2&3' as shown in photo 3 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2).
4. Remove all the obscured glass from the windows and door of 'Unit 3', as shown in photo 4 appendix 1 and replace with clear glass using the method described in appendix 2. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2).
5. Remove the internal metal bars from the windows of 'Unit 3', as shown in photo 4, appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2).
6. Remove the round modern light between 'Units 4&5', as shown in photo 5 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
7. Remove the internal metal bars from the windows of 'Unit 5', as shown in photo 5, appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
8. Remove the signage between 'Units 4&5', as shown in photo 5, appendix 1 and the signage between 'Units 6&7', as shown in photo 7. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
9. Remove the key box from the front of 'Unit 6', as labelled on photo 6 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
10. Remove the signage between 'Unit 7&8' as shown in photo 8 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
11. Remove the yellow yale burglar alarm, two key boxes and a light from the frontage of 'Unit 8', as shown in photo 9 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
12. Remove all the obscured glass from the windows and door of 'Unit 9', as shown in photo 10 appendix 1 and replace with clear glass using the method described in appendix 2. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
13. Remove all the obscured glass from the door of 'Unit 10', as shown in photo 11 appendix 1 and replace with clear glass using the method described in appendix 2. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
14. Reinstate the floor of 'Unit 10' to its previous state before it was dug up.

15. Remove the wood boarding installed and reinstate the missing wood windows of 'Unit 10', as shown in photo 11 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
16. Re-cover the roof of 'Unit 10' with matching roof covering to the adjacent units either side, the covering needs to be the same colour and material as the adjacent units.
17. Remove all the obscured glass from the door of 'Unit 11', as shown in photo 14 appendix 1 and replace with clear glass using the methods outlined in appendix 2. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
18. Remove from the frontage of 'Unit 13', the yellow yale burglar alarm as shown in photo 16 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
19. Remove from the frontage of 'Unit 13', the ring security camera as shown in photo 16 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
20. Remove from the frontage of 'Unit 13', the round light as shown in photo 16 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
21. Remove from the frontage of 'Units 13,14 &15', the artificial plants attached as shown in photos 16, 17 & 18 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
22. Remove the sign from the frontage of 'Unit 14', as labelled in photo 18 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
23. Remove the light and light switch with associated cabling from the front of 'Unit 14', as labelled in photo 18 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
24. Remove from the front of 'Units 14 & 15', the decked area as shown in photos 17,18 & 19 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2).
25. Remove all the obscured glass from the door and window of 'Unit 16', as shown in photo 20 appendix 1. Repair any damage to the listed building with appropriate materials and techniques (outlined in appendix 2)
26. Remove all the cabling from the front of each unit, which is placed in between the top of the window and door and the roof. This can be seen in photos 1,2,4,5,7,8,9,14, & 16.(appendix 1)
27. Remove all the black & white paving from the frontage of units 8,12,& 13 as shown in photos 15 appendix 1. Repair any damage to the paving with appropriate materials and techniques to match the existing courtyard paving.
28. Completely make good any damage caused to the Building resulting from compliance with the requirements 1-27 of this Notice using appropriate materials to match the existing buildings and returning the workshops to their former appearance before the unauthorised works were carried out.
29. Completely remove all the waste, materials, equipment and debris created as a result of fulfilling the other requirements of this Notice from the property and its curtilage.