



Appeal Decision

Site visit made on 12 October 2022

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

an Inspector appointed by the Secretary of State

Decision date: 19 October 2022

Appeal Ref: APP/L5810/F/21/3286877

Reid Court, Williams Lane, Mortlake, London SW14 7QT

- 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 Neil Gibson of The Guinness Partnership against a listed building enforcement notice issued by the Council of the London Borough of Richmond-upon-Thames.
 - The enforcement notice was issued on 14 October 2021.
 - The contravention of listed building control alleged in the notice is partial demolition/collapse of a Grade II listed wall.
 - The requirements of the notice are:
 - i. Reconstruct the demolished/collapsed section of garden wall using where possible, bricks and materials salvaged from the site. Where materials are not salvageable, for the brick work to consist of plum brick and Victorian mixed stock brick and lime mortar. The finished works should match in execution those areas of the wall which remain intact.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1)(f) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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The appeal on ground (f)

1. The ground of appeal is that copies of the notice were not served as required by section 38(4). Section 38(4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that "A copy of a listed building enforcement notice shall be served...on the owner and on the occupier of the building to which it relates and on any other person having an interest in building which...is materially affected by the notice".
2. The appellant contends that they do not own the Grade II listed wall, alleging that it falls within the ownership of Stag Brewery, which is the adjacent site. However, the appellant admits in their written submission that "at best this wall is a party fence wall" which appears to me to be an admission that they are not entirely clear of the ownership.
3. The Land Registry entry for the site and a map search submitted by the Council show that the current appellant does, in fact, own Reid Court including the listed wall. Furthermore, the appellant has previously taken responsibility for the wall and submitted an application for listed building consent for the reconstruction of a collapsed section of brickwork under local planning authority reference 20/0420/LBC which was approved. Certificate A on the application form was signed by the applicant as a certification that on the day 21 days before the date of the application (12 December 2020) nobody except them

was the owner of any part of the land or building to which the application relates.

4. The appellant contends that the previous application was submitted on the understanding that the wall bordered a footpath, but it has since been established that there is no longer a footpath, but instead the wall borders the adjacent brewery. I observed at my site visit that there are two boundaries in the immediate locality of the appeal site; the historic wall which is situated to the rear of Reid Court and another concrete panel wall which runs parallel to the rear of the historic brick wall. The presence of these two walls brings into question some of the historical evidence submitted, including whether or not the appellant is aware of the second boundary wall.
5. It is also argued that the Council should be aware of the history of the wall and the wider site. However, the burden of proof is with the appellant and in any case the evidence before the Council suggests ownership by the Guinness Partnership.
6. Various historic documentation has been submitted in support of the appellant's case, including a brief history of the site, Ordnance Survey maps, satellite imagery and local History Society documentation. The evidence purports to support the case that the wall is part of the original walls of Cromwell House, a property that was rebuilt in 1847 and subsequently demolished in 1947 when the land was bought by Watney's who developed the site. The appellant states that the original high boundary walls of Cromwell House exist today as the boundary wall of Parliament Mews which is situated to the north of the listed wall.
7. Some of the evidence suggests that the rear wall to Reid Court is the remainder of the wall of Cromwell House and the partly demolished/collapsed wall the subject of the listed building enforcement notice may have an historical connection with Cromwell House and other historic buildings and developments in the locality. However, I do not find the evidence conclusive and the reasons for the appellant's apparent change of position regarding ownership are a little unclear.
8. I have taken account of all the evidence submitted and conclude that the Council served that Council properly served the notice in accordance with the requirements of Section 38(4) of the Act. Therefore, the appeal must fail.

A A Phillips

INSPECTOR