



Appeal Decision

Site visit made on 25 March 2024

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/M5450/F/21/3287543

Change of Hart Public House, 19-21 High Street, London, Edgware, HA8 7EE

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
 - The appeal is made by Mr David Milegate against a listed building enforcement notice issued by London Borough of Harrow.
 - The enforcement notice was issued on 13 October 2021.
 - The contravention of listed building control alleged in the notice is: 1. Removal of extensive historic/original lathe and plaster in ceilings and walls throughout. 2. Extensive removal and covering up of historic/original wall timbers and ceiling timbers and exposed chimney on the second floor. 3. Removal of historic walls and doorways (combined effect of points 1 and 2), new step and removal of two historic/original plank and panelled timber doors. 4. Installation of plasterboard walling and ceilings throughout. 5. Installation of insulation. 6. Installing of cornices, skirting, architraves, sinks and associated plumbing. 7. Painting of the rear, west side and underside walls. 8. Removal of ashlar line finish on frontage to first and second floors.
 - The requirements of the notice are contained in the schedule attached 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)(g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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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 Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Preliminary Matters

2. A listed building enforcement notice was issued on 20 November 2020. An appeal was lodged, reference APP/M5450/F/20/3265577. Following a site visit in June 2021 the Inspector advised the Council re-issue the notice as it had left out a number of matters that had been altered which, if the notice was upheld, would be granted listed building consent by default. The notice was duly re-issued and is subject to the current appeal. However, I have relied on the Council's statement from the earlier appeal as neither party has provided a statement for the current appeal.
3. The building, Nos 19-21, is listed and comprises a three-storey former coaching inn with an off-centre drive-through that allows access to a rear yard. As you face the building the ground floor to the left of the drive-through has been converted into a car dealership office and the rear yard used for storage of cars for sale. This business would appear to be a separate entity from the rest of

the building. To the right of the drive through is the main part of the old pub, that was more recently a restaurant and is now empty. Two stories above run the full width of the building and these have been converted into what appears to be an HMO. An enforcement notice has been issued against the use of the rear yard for car sales and this is subject to a separate appeal (APP/M5450/C/21/3276784). The listed building enforcement notice subject to this appeal concerns the first and second floors in their entirety and the ground floor entrance hall. There is also, apparently, an enforcement notice against the material change of use to an HMO, but this is not before me.

Reasons

4. The owners or appellants for this appeal were not present at the site visit. However, I was able to access the upper floors with the Council officer and the appellant for the car sales use. The building was open and unlocked and appeared to have been converted, as alleged, into an HMO. I was not able to see into all the rooms as many were now private bedrooms. However, the Council had provided with their listed building enforcement notice a detailed breakdown, along with floor plans and photographs, of each room. I was able to identify a number of the shared rooms, that were now bathrooms or kitchens, and one of the bedrooms, and it was clear there had been a wholesale removal of the entire historic interior to be replaced by plasterboard walls and ceilings, painted white.
5. The appellant's response to the notice is to appeal only on the ground that the matters required are excessive to restore the building to its condition before the works were carried out. His appeal statement makes a number of assertions that are clearly inaccurate. He says only the minimum has been carried out to make the building safe, whereas considerably more than that has taken place and there is no evidence the building was unsafe in the first place. The appellant is also under the misapprehension that the description in the listing document is the sole extent of the protection provided. In fact the whole building, inside and out, is listed, including all the fixtures and fittings that were in place when the listing was made.
6. The appellant argues the lathe and plaster ceilings and walls were damp and the walls were weak and dangerous. Again no evidence is provided, but if the interior of the building was damp, then dealing with that problem first and then considering the replacement or refurbishment of the walls and ceilings would have been the sensible way to proceed. Heat insulation can also be provided in a number of different ways without removal of the entire interior and its replacement with modern materials. The appellant accepts the interior timbers can be revealed, the original colour of the walls can be reproduced and the exterior lime finish can be restored.
7. The requirements go far beyond that, but although they are very detailed, they do no more than in essence require the careful removal of the modern works and the reinstatement of the original interior. I cannot see how this is excessive. Whatever historic interest the interior of the building possessed has been removed and the only suitable remedy is as described in the notice.
8. I also note that since the appeal was lodged things have moved on. The building would appear to be for sale and a notice was displayed inside the door of the building suggesting receivers had taken possession of the building from persons who did not appear to be the appellants to this appeal. Nevertheless,

the listed building enforcement notice is applicable to whoever eventually owns the building and sets out clearly what they need to do. It may be that in order to find a suitable, viable, future use for the building some compromises will have to be made, but for the moment full restoration is the only option before me and is a suitable starting point.

9. I shall dismiss the appeal and uphold the notice.

Simon Hand

INSPECTOR

Schedule of Requirements from the listed building enforcement notice.

A comprehensive record shall be created and the building shall be restored on the whole to its former state by undertaking the following steps:

Complete building:

- 1) This requirement must be undertaken first. A complete comprehensive record of the building inside and out to a level 4 in accordance with the 'Understanding Historic Buildings A Guide to Good Recording Practice' is to be provided to the Local Planning Authority by a suitable specialist. This should include a full record of the building as it was before the unauthorised works, and as it is now, via annotated pre-existing and existing plans, elevations and cross sections, cross-referenced to photographs, and complete schedule of works. This record needs to be to the specification noted and then used as the basis for the remedial works.

Second floor internal:

- 1) Room 3 —Removal with hand tools only of all the new insulated plasterboard walling on the east wall as shown in photo 1, and marked on plan X, including reopening the pre-existing walkway through. Like for like reinstatement of former finishes of vertical historic timbers and lathe and plaster to wall, as shown in photo 2, and marked on plan X.
- 2) Room 3 —Removal using hand tools only of all modern insulated plasterboard ceiling and cornices. Uncover historic timbers within as shown by photo 3, which are to be retained in situ or, if these are no longer in place, their like for like reinstatement. Reinstatement of former lathe and plaster finish.
- 3) Room 3 —Removal using hand tools only of all modern insulated plasterboard on the south and west walls. Uncover historic timbers within which are to be retained in situ or, if these are no longer in place, their like for like reinstatement. Reinstatement of lathe and plaster walling on the south and west walls as per pre-existing finishes. The south and west walls with historic timbers are shown by photos 4 to 6 and as marked on plan X.
- 4) Room 3 — Removal using hand tools only of new finishes to chimney to expose all brickwork on chimney feature as it was previously as shown in photo 2.
- 5) Rooms 4 and 5 — Removal with hand tools only of the plasterboard ceiling and cornices in room 4 and 5. Removal with hand tools only of all the modern insulated eastern plasterboard wall to room 4, and all of the modern insulated western plasterboard wall in room 5. Uncover historic timbers within which are to be retained in situ or, if these are no longer in place, their like for like reinstatement. Then, like for like reinstatement of former finishes of eastern lathe and plaster wall to room 4, and western lathe and plaster wall to room 5. Like for like reinstatement of two historic timber doors and their doorframes within these walls. Like for like reinstatement of former finish of lathe and plaster ceilings to rooms 4 and 5. Photos 7 and 8

show the historic timbers that should remain when plasterboarding is removed, and photos 9 to 12 show the lathe and plaster walls and ceiling before works. All is marked on plan X.

- 6) Room 4 — Removal using only hand tools of all modern insulated plasterboard walling on west and north walls of room 4 (as per other items, this includes any plaster finish). Uncover historic timbers within which are to be retained in situ or, if these are no longer in place, their like for like reinstatement. These timbers are shown in photos 13, 14 (albeit already partly damaged here) and 15. This is marked on plan X. Like for like reinstatement of former finish of lathe and plaster to west and north walls.
- 7) Rooms 5 and 6 — Removal using hand tools only of all modern insulated plasterboard walling and cornice on east wall of rooms 5 and 6. Uncover historic timbers within which are to be retained in situ or, if these are no longer in place, their like for like reinstatement. Like for like reinstatement of former finish of lathe and plaster walling on this east wall. This is marked on plan X. The eastern wall is shown before works in photos 16 to 18.
- 8) Room 6 — Removal using hand tools only of all modern insulated plasterboard walling and cornice on west wall of room 6. Removal using hand tools only of all modern plasterboard ceiling to room 6. Uncover historic timbers within which are to be retained in situ or, if these are no longer in place, their like for like reinstatement. Photo 19 (looking west) and on plan X shows these historic timbers. Like for like reinstatement of former finish of lathe and plaster walling on this wall and the former finish of lathe and plaster ceiling.
- 9) Rooms 5 and 6 — Remove new modern plasterboard walling now dividing rooms 5 and 6 and make good affected fabric.
- 10) Rooms 4 and 5 — Materials covering the timber beam on southern wall running above the full width of the wall above the windows are to be removed to reveal this timber beam, or, if it has been replaced, then it is to be replaced like for like and remain on show. This is shown currently by photos 20 and 21, and before by photo 18 (room 5) and 7 (room 4), and marked on plan X.
- 11) Room 9 — Removal using hand tools only of all insulated plasterboard walling on northern wall as shown during works in photos 22 and 23. Removal using hand tools only of all modern plasterboard ceiling and cornice as shown now in photos 24 and 25. Uncover historic timbers (shown by photos 22 and 23) under modern ceiling and northern walling, which are to be retained in situ or, if these are no longer in place, replaced in like for like. Reinstatement of former finishes of lathe and plaster ceiling, and lathe and plaster walling to northern wall as marked on plan X.
- 12) Room 1 — Removal using hand tools only of all modern insulated plasterboard walling on all walls. Removal using hand tools only of all modern plasterboard ceiling and cornices. Uncover historic timbers within which are to be retained in situ or, if these are no longer in place, their like for like reinstatement. Install lathe and plaster walling to all these walls and

ceiling as it was before. This is shown before in photos 26 to 29, and as existing in photos 30 and 31 , and on plan X.

- 13) Room 2 —Removal using hand tools only of all modern plasterboard ceiling and cornices reinstatement of a lathe and plaster ceiling. Removal using hand tools only of all modern insulated plasterboard wall covering on all walls in the room. The uncovered historic timbers within on west and north walls are to be retained in situ or, if these are no longer in place, they are to be replaced like for like. Reinstatement of former finish of lathe and plaster walling. Room 2 is shown before works in photos 32 to 35, and is marked on plan X.
- 14) Room 7 —Removal using hand tools only of all cornices in the room. Removal using hand tools only of all modern insulated plasterboard on the southern and western walls. The uncovered historic timbers within are to be retained in situ or, if these are no longer in place, they are to be replaced like for like. Reinstatement of former finish of lathe and plaster walling to the southern and western walls. Removal of modern plasterboard ceiling and replacement with former finish of lathe and plaster. This is marked on plan X. The ceiling and southern wall are shown before in photos 36 to 37, and during removal of lathe and plaster in photos 38 to 39. The western wall is shown after removal of lathe and plaster in photos 2 and 40.
- 15) All remaining interior side of external walls —Removal using hand tools only of modern cornices and insulated plasterboard. Where underside is brick, gently reinstate former finish of lime plaster to the wall. Where underside is timber framed, reinstate former finish of lathe and plaster finish.
- 16) Throughout second floor — removal of skirting, architraves, sinks and associated plumbing and make good affected fabric.

First floor internal

- 1) Room 11 - Removal using hand tools only of all modern insulated plasterboard to all walls of this room with the exception of the timber framed inset area on the eastern wall as you face it. Removal using hand tools only of modern plasterboarded ceiling, including the re-revealing of the timber ceiling beam and keeping it on display. Reinstatement former finish of lathe and plaster ceiling and walling. This is shown before in photos 1 to 3, and after in photos 4 and 5, and marked on plan Y.
- 2) Room 12 and 15 - Removal using hand tools only of all modern insulated plasterboard to the southern wall of these rooms and the eastern wall of room 15. Removal using hand tools only of modern plasterboarded ceiling. Removal using hand tools only of modern plasterboard wall dividing these rooms. Reinstatement former finish of lathe and plaster ceiling and walling. This is marked on plan Y.
- 3) Room 13 - Removal using hand tools only of all modern insulated plasterboard on the northern wall below the horizontal timber beam (shown after in photo 6) and reinstate former finish of lathe and plaster walling, including the closing up of the new doorway opening to room 15 with lathe

and plaster to match former finish. Uncovering of the historic vertical timber post, or like for like reinstatement if it has been removed, as shown in photos 7 (before) and 8 (after), and marked on floor plan Y.

- 4) Room 14 - Removal using hand tools only the cornice and plasterboard ceiling and loose hanging wire and reinstate lathe and plaster ceiling to the higher level previously in place i.e. above the horizontal timber shown in 'before' photo 9. Removal using hand tools the door frame leading to room 14 at the base of the stairs and uncover more of the historic timber on the southern wall and, if this is no longer in place, reinstate remaining part of the timber like for like without further damage to remaining historic timber. Removal using hand tools only of all modern insulated plasterboard on the southern wall at the base of the stairs on the first floor. The uncovered historic timbers within are to be retained in situ or, if these are no longer in place, they are to be replaced like for like and the former finish of lime plaster reinstated. Re-orientating the base of the stairs to follow previous route along with closing up as before the opening on the east side. This is shown before in photo 9 and after in photos 10 a and b and as marked on plan Y. The inspector's comment on this point in the last iteration of the Listed Building Enforcement Notice, means additional evidence is now provided that photo 9 shows this southern wall before works. That evidence is 'photo 29 looking east in room 1' which is a 'before' photo on the second floor. This shows the eastern wall to this staircase leading to the southern wall to the stairs. It shows the same white upside down L- shaped cut in the wallpaper and black circular dot above as in photo 9 of room 14 on the first floor. This shows that the 'before' photo 9 was taken when standing at the top of the staircase leading to the first floor.
- 5) Room 2 - Removal using hand tools only of all cornices in the room. Removal using hand tools only of all of the modern insulated plasterboard ceiling, and replacement with former finish of lathe and plaster, as shown before in photos 11, part way through removal in photos 12 and 13, and as marked on plan Y.
- 6) Rooms 7 and 8 - Removal using hand tools only of modern partition walls dividing these rooms. Removal using hand tools only of all cornices in the remaining single room. Removal using hand tools only of all modern insulated plasterboard ceiling and remaining southern, eastern and western walls. Reinstatement of former finish of lathe and plaster walls and ceiling with timber beam exposed. This is shown before in photos 14, 15 and 16, as marked on plan Y. Removal using hand tools only of modern window insert to room 8 on southern wall onto the corridor and reinstatement of lathe and plaster here.
- 7) Room 9 - Removal using hand tools only of modern insulated plasterboard ceiling and cornice and reinstatement of former finish of lathe and plaster ceiling as marked on plan Y and as shown before in photo 17.
- 8) Room 1 - Removal using hand tools only of modern insulated plasterboard on the south and east walls. Reinstatement of former finish of lime plaster. Removal using hand tools only of modern insulated plasterboard ceiling and cornice and reinstatement of former finish of lathe and plaster ceiling. This is shown before in photos 18 and 19 and marked on plan Y.

- 9) All remaining interior side of external walls — Removal using hand tools only of modern cornices and insulated plasterboard. Where underside is brick, reinstate using hand tools only the former finish of lime plaster to the wall. Where underside is timber framed, reinstate lathe and plaster finish.
- 10) Throughout first floor — removal of skirting, architraves, sinks and associated plumbing and make good affected fabric.

Ground floor internal

- 1) Entrance hall — Removal using hand tools only of new modern plasterboard walling installed on the northern wall. The uncovered fabric is to remain exposed as exposed brickwork shown in photos 1 and 2 (before) and 3 and 4 (after). It is also marked on plan Z.

External

- 1) Repaint in pre-existing colour with breathable paint the rear, west side and underside walls (as shown in photos 1 and 2).
- 2) Removal using hand tools the modern layer of render installed on first and second floors to uncover ashlar lines as was the pre-existing finish (as shown in photos 3 and 4).