



Appeal Decision

Site visit made on 9 July 2024

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 12 July 2024

Appeal Ref: APP/L5810/F/22/3302695

The land at Building No 14 Platts Eyot, Hampton, TW12 2HF

- 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 Mark Allaway against a listed building enforcement notice issued by Richmond Upon Thames Borough Council.
 - The enforcement notice, reference 16/0327EN/LBUW, was issued on 1 June 2022.
 - The contravention of listed building control alleged in the notice is without the benefit of Listed Building Consent, the removal of the first floor timber balcony ("the balcony").
 - The requirements of the notice are rebuild / reinstate the Balcony to front and side elevations, to match in facsimile, that which existed prior to the breach of planning control as shown in the attached photograph at Appendix 3.
 - The period for compliance with the requirements is 3 months.
 - The appeal is made on the grounds set out in section 39(1)(d) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. It is directed that the listed building enforcement notice be varied by the deletion of "3 months" and its substitution with "12 months" as the period for compliance. Subject to this variation, the listed building enforcement notice is upheld.

Preliminary Matters

2. This is a rather unusual case in that there is no dispute over the central facts. Building No14 is known as Tagg's house and is a listed building which is currently used for offices and storage. It stands at the eastern end of Platts Eyot, a largeish island in the Thames, linked to the northern bank by a narrow bridge which is just passable for narrow vehicles. Most of the island is covered with industrial buildings, presumably once related to boat building and associated trades. Many are either in a poor state of repair or are actively falling down, but it seems a number of businesses still operate from the island, belying its rather forlorn and abandoned feel.
3. There are a number of listed buildings on the island of which the appeal site is one. Tagg's house is in a poor state of repair as was obvious from an external inspection but the elephant in the room is that the whole island is due a complete makeover. The appellants are in negotiation with the Council to clear much of the island and replace most of the buildings with housing, whilst also renovating some of the boatsheds and listed buildings and returning them to a viable economic future.
4. Originally, I was asked to extend to the compliance period to December 2023, by which time the planning permission would have been granted. That

obviously has not happened and negotiations are still underway. However, the appellants want to restore the balcony as part of the renovation project, but not as it was when demolished. They have old photographs from the early 20th century showing a completely different balcony without the supporting posts of the recently removed version. This is supported by plans from 1889, showing the same balcony. Although the softwood balcony that was removed was the balcony in place at the time of listing it is clearly a modern replacement. A balcony is equally clearly an important part of the significance of the building, but which one is a different question that is not directly before me. However, my instinct is that it would be a waste of time and resources to require a modern balcony to be replaced on a building that is clearly in the process of decay and which urgently needs the resolution of a wider scheme of renovation. Especially as such a scheme could well lead to a different balcony being preferred. It is within this context that I shall deal with the appeal.

The Appeal on Ground (d)

5. This ground is that the works were urgently necessary. The appellants have provided an historic survey which notes the balcony was crumbling away and likely to collapse under the weight of anyone who ventured onto it. Two doors allowed access from the upper floor of the building onto the balcony so this was clearly dangerous for workers in the building. Why those doors couldn't simply be secured is not clear, but I assume the balcony could have been in danger of collapse on anyone beneath it or nearby. Having seen the remains of the supports that are left on the building a number looked rotten and photographs showed others that were failing. I have no doubt that the balcony was potentially dangerous.
6. However, ground (d) is very much an emergency ground. The works not only have to have been urgently necessary but also that and there were no practicable means to secure the safety of the building or the public, and repair or temporary support was not possible. I have no evidence that any of these matters were considered and it is not obvious that just because the balcony was unsafe to stand on that meant the only alternative was to demolish it. The appeal on ground (d) fails.

The Appeal on Ground (h)

7. As noted above I do not think it sensible to require replacement of the balcony while negotiations for a full restoration are still underway. I shall therefore extend the compliance period to 12 months. Hopefully by then there will have been significant movement towards a resolution of the planning issues.

Simon Hand

INSPECTOR