

Appeal Decisions

Site visit made on 2 August 2025

by **A U Ghafoor BSc (Hons) MA MRTPI FCMI fCMgr**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

Two appeals in relation to land at 51 Amwell Street London EC1R 1UR

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991, and section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act).
 - The appeals are made by Mr James Beazer against enforcement notices issued by the Council of the London Borough of Islington on 6 February 2023.
 - The period of compliance with both enforcement notices is 12 months.
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Appeal A Ref: APP/V5570/C/23/3318640

- The breach of planning control as alleged in the notice is the erection of a rear extension at ground and lower ground floor level and the installation of steps from the rear garden to lower ground floor level with a timber balustrade and handrail and associated brick newel post to the steps and rear lightwell not in accordance with planning permission P2018/0417/FUL.
 - The requirements of the notice are to: (i) Demolish the rear ground floor extension in its entirety and remove all its debris and rebuild in accordance with the approved plans and conditions of planning permission P2018/0417/FUL (ii) Remove the brick newel post and timber balustrade and handrail to the rear lightwell and steps in their entirety including all supporting posts and fixings, and (iii) set back the rear lower ground floor extension façade wall facing into the rear lightwell to the footprint and in materials indicated in the approved plans and conditions of planning permission P2018/0417/FUL and insert a timber door to the design, size and appearance, as indicated in these approved plans. Extend thereafter the external wall of the under garden lightwell extension finished in matching white painted render to adjoin the repositioned lower ground floor extension.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the 1990 Act.
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Appeal B Ref: APP/V5570/F/23/3318643

- The contravention of listed building control alleged in the notice is the erection of a rear extension at ground and lower ground floor level and the installation of steps from the rear garden to lower ground floor level with timber balustrade and handrail and associated brick newel post to the steps and rear lightwell not in accordance with listed building consent P2018/0431/LBC.
 - The requirements of the notice are to: (1) Demolish the rear ground floor extension in its entirety and remove all its debris and rebuild in accordance with the approved plans and conditions of listed building consent P2018/0431/LBC (2) Remove the brick newel post and timber balustrade and handrail to the rear lightwell and steps in their entirety including all supporting posts and fixings, and (3) set back the rear lower ground floor extension façade wall facing into the rear lightwell to the footprint and in materials indicated in the approved plans and conditions of listed building consent P2018/0431/LBC and insert a timber door to the design, size and appearance, as indicated in these approved plans. Extend thereafter the external wall of the under garden lightwell extension finished in matching white painted render to adjoin the repositioned lower ground floor extension.
 - The appeal is proceeding on grounds (e) and (j) within section 39(1) of the Act¹.
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Decisions

1. Appeal A – The enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the Act. In Appeal B, the appeal is dismissed, and

¹ As confirmed by e-mail on 3 May 2023.

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).

Appeals A and B - ground (a) and (e)²

2. **Reasons:** The terms of the deemed application are directly derived from the allegation. An alternative scheme³ is advanced as part of ground (f) appeal. The appellant indicates that a lesser step could remedy the breach of planning controls at less expense and disruption by modifying the extension. The alternative proposal is for a timber slatted contemporary extension and the work would involve adding timber to the elevations, climbing plants and creating a green roof. Given the terms of s177(1)(a) of the Act, I consider that the proposed scheme is part of the matters alleged, because the enforcement notice alleges operational development. In assessing the planning merits of the deemed application, I will also keep in mind the alternative scheme.
3. The **main issue** is whether the unauthorised works preserve the special architectural or historic interest or setting of the listed building, whether they preserve or enhance the character or appearance of the CA and whether the significance of the heritage assets is harmed.
4. No. 51 is listed at grade II and is located within the New River Conservation Area (CA). The building's significance as a heritage asset is derived from its architectural and historic interest: previous use in connection with the adjoining pawn broker is also of importance. In my assessment, the building possesses features characteristic of a Georgian terrace in this part of the CA. Details include yellow stock brick set in Flemish bond with banded stucco ground-floor dressings, which add visual interest and character as do the obscured roof layouts and party-wall brick stacks. The development is located to the rear elevation. Nonetheless, the extension is noticeable in views from the rear and the alterations affect the built fabric and form of the listed building.
5. A two-storey rear extension and other internal works were granted planning permission and listed building consent (Council refs: P2018/0417/FUL and P2018/0431/LBC). There is broad agreement between the appeal parties that the as-built rear extensions and alterations are substantially and significantly different when compared to the approved scheme. For example, the extensions include an extended basement area and the lightwell has been reduced in size. The Council's evidence suggests these departures from the approved scheme would be acceptable. However, the timber handrail and balustrade to the lightwell as well as the steps are inconsistent with prevailing cast iron railings or handrails characteristic of Georgian architecture. Given the intimate association of the handrail to the listed building, this element of the development is seen as a discordant feature and modern addition. It has a visually detrimental effect on the significance of the listed building and terrace.
6. The external appearance of the rear extension is also of concern given the application of twisted brickwork as a form of architectural style. The latter is described as a dynamic innovation, which seeks to create a more organic form and explores the relationship between nature and the built environment. Be that as it may, I consider the resultant development is visually out-of-keeping and at odds with the simple and elegant external appearance of the listed building. In my assessment, the rear extension appears as an alien addition and is inconsistent with the uniformity of the fine architectural detail, composition, layout and style of the Georgian terrace thus adversely affecting its setting. The development fails to meet with guidance contained in the CA's Design Guidelines (2002) and Urban Design Guide (2017).
7. The alternative proposal would result in an extension that is similar in scale to the one granted planning permission in 2018, at least at ground floor level. The timber railings would be replaced resulting in a different layout and arrangement. The Council explain that a similar or same proposal was part of an

² Appeal A seeks planning permission for the matters alleged in the enforcement notice and Appeal B seeks listed building consent for the same alleged works. I will assess them together given the common main issue.

³ Section 9 to the appellant's statement of case explains the alternative scheme in the context of s174(2)(f) and Appeal B ground (j). As there is a deemed application, and the alternative scheme relates to the same extension that is subject of the enforcement notice, I will consider granting planning permission for the alternative scheme, irrespective of the Council's concerns.

application submitted in 2023 for its determination. The alternative scheme would address concerns about the use of twisted brickwork, but the slatted timber and greenery would alter the external elevations. The green roof would add to the building's environmental credentials, however, in comparison to the permitted scheme, the proposals would significantly alter the external appearance of the host building. Such a modern addition would, in my assessment, have a visually detrimental impact upon the architectural and historic interest of the heritage asset.

8. The case for the appellant has been forcefully put. I have also considered other developments in the street scene and wider CA. Nevertheless, on the evidence before me, these are not strong precedents to allow visually harmful development and unauthorised alterations. In any event, I must evaluate the merits of this scheme in the context of this appeal.
9. For the reasons given above, the as built rear extension, the exposed façade facing into the lightwell, the installation of steps from the rear garden to lower ground floor level with a timber balustrade and handrail and associated brick newel post to the steps and rear lightwell, individually or cumulatively, fail to preserve the special architectural or historic interest or setting of the listed building. In turn, the unauthorised works fail to preserve or enhance the character or appearance of the CA and harm the significance of the heritage assets. Based on the available evidence, the alternative scheme would also harm the heritage asset.
10. The harm, although of considerable weight and importance, is less than substantial in terms of paragraph 215 of the National Planning Policy Framework. In this regard, as confirmed by the appellant, the property is in use as a dwellinghouse and is currently occupied, hence its optimum viable use is already established. Furthermore, the harms I have described are not outweighed by the very limited public benefits suggested, including the potential award-winning design of the rear extension.

Appeal A and B - conclusions on grounds (a) and (e)

11. The alleged works fail to preserve the special architectural or historic interest or setting of the listed building and terrace which, in turn, fails to preserve or enhance the character or appearance of CA and harms the significance of the heritage assets. The development fails to comply with policy HC1(C) of the London Plan 2021, policy DH1 and DH2 of the Local Plan (2023) and other considerations advanced, including the alternative scheme, do not outweigh my findings above.

Appeal A - ground (f)

12. The challenge is that the steps required by the enforcement notice are excessive. Step (1) requires the appellant to demolish the rear ground floor extension in its entirety and to rebuild in accordance with the approved plans and conditions of planning permission P2018/0417/FUL. In a similar vein, step (3) requires setting back the rear lower ground floor extension façade wall facing into the rear lightwell. These requirements seek to remedy the breach by making the enforced development comply with the terms of the 2018 permission. Additionally, step (2) seeks to remedy the breach by removing the brick newel post, timber balustrade and handrail to the rear lightwell, and the steps including all supporting posts and fixings.
13. I have carefully given thought to the alternative step advanced. The planning merits of granting planning permission for the erection of a rear extension at ground floor level with timber slatted elevations and a green roof are assessed above. The harm arising from the development would remain even if the steps required were varied. That kind of under-enforcement would not achieve the purpose behind the notice and compliance with the requirements is the bare minimum necessary to remedy the breach. In any event, it is unclear how the steps can be reframed to give effect to the alternative scheme without introducing degree of imprecision in the notice, due to the nature, scale and extent of the work. Such an outcome is unacceptable because the notice must be specific. Ground (f) fails.

Appeal B – ground (j)

14. An appeal on this ground, and main issue, is whether the steps required to be taken by virtue of s38(2)(b) exceed what is necessary to alleviate the effect of the works executed to the building. Given my findings elsewhere, timber slatting and a green roof would not alleviate the harmful impact I have

previously described. The unauthorised works would, essentially, still be intact and remain in place albeit in a different format or design.

15. To conclude, the steps set out in the listed building enforcement notice do not exceed what is necessary to alleviate the effect of the works executed to the building. The appeal on ground (j) therefore fails.

Appeal A and B - overall conclusions

16. For the reasons given above and having regard to all other matters raised, the ground (a) fails, and I refuse to grant planning permission on the application deemed to have been made under s177(5) of the Act. The appeal on ground (f) fails because the requirements do not exceed what is necessary to remedy the breach.
17. Ground (e) and (j) in Appeal B also should be dismissed.

A U Ghafoor

INSPECTOR