



Appeal Decision

Site visit made on 1 September 2025

by Elizabeth Pleasant BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 19 September 2025

Appeal Ref: APP/N5090/F/23/3325740

Land at 38 Meadway, LONDON, NW11 6PJ

- 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 James Stone against a listed building enforcement notice issued by the London Borough of Barnet
- The enforcement notice was issued on 13 June 2023.
- The contravention of listed building control alleged in the notice is: Without Listed Building Consent, the altering of the interior of a grade 2 listed building, including:
 1. On the ground floor:
 - A. The removal of the original floor and the installation of concrete and under floor heating.
 - B. The removal of original brick between the exiting garage extension/dining room and between the kitchen/hall entrance to create new door openings.
 - C. The removal of original brick between the exiting garage extension/dining room and between the kitchen/hall entrance to create new door openings.
 - D. Works to the original William de Morgan fireplace.
 2. On the first and second floors
 - A. The removal of original internal carpentry which include the skirtings, doors and architraves.
 3. Throughout the property
 - A. The removal of original lime-based plaster from the walls and the removal of lathe and lime-based plaster from the ceilings
 - B. The installation of new services including wiring in beams and installation of new radiators and pipework.
- The requirements of the notice are:
 1. Return the property to its original state as shown in the pre-existing floor plans submitted with application 23/1249/HSE, drawing numbers: 2302-1554-001, 2302-1554-002 and 2302-1554-003. Including, but not limited to, filling in the "New door openings" on ground floor level between "existing garage extension and dining room" and "kitchen and hall entrance" with bricks to match the original.
 2. Remove the concrete floor on the ground floor and remove the underfloor heating from all affected areas. The floor is to be reset to its previous level and 15-20mm oak wood block flooring to be put back in bitumen and in its original pattern. The blocks are to be laid as separate blocks and not fixed to a backing.
 3. Remove plasterboard from the current works from the walls and ceilings at ground, first and second floor level. Where plasterboard has been attached to the walls, re-instate with a breathable lime-based plaster. Where plasterboard has been attached to the ceilings, re-instate with lathe and a breathable lime-based plaster. All downlighters to be removed from all ceilings throughout the property and pendant lighting to be re-instated.
 4. All new services to be removed, including new radiators. Wiring through existing beams in ground floor rooms or where they may have been covered up, to be removed and the damage to the beams made good. If ceiling beams have been covered up with plasterboard this plasterboard is to be removed and beams made good. Remove over sized boiler and associated pipework between all floors.
 5. Restore the fireplace in the ground floor sitting room with William de Morgan tiles to match what was there previously
 6. Remove the installed internal carpentry such as the skirtings, doors and architraves from the upper floors and re-instate skirtings, doors and architraves with

- originals where they remain or replace to match the originals.
- The period for compliance with the requirements is 9 Months.
- The appeal is made on the grounds set out in section 39(1) (e), and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Decision

1. It is directed that the listed building enforcement notice be corrected by:
 - deleting the word “exiting” from paragraph 1.B. in the Second Schedule and substitute with “existing”.
 - deleting paragraph 1.C. from the Second Schedule.
 - re-numbering paragraph 1.D. in the Second Schedule as paragraph 1.C.
 - deleting the word “original” from paragraph 2.A. in the Second Schedule and substitute with “pre-existing”.
 - deleting the wording “original lime-based plaster from the walls and the removal of lathe and lime-based plaster” from paragraph 3.A. and substitute with “pre-existing plaster and plasterboard from the walls and”.
2. The appeal is allowed on ground (e) in part and listed building consent is granted for: 1. On the ground floor, for the removal of the original floor and the installation of concrete and under floor heating; the removal of original brick between the existing garage extension/dining room and between the kitchen/hall entrance to create new door openings; works to the original William de Morgan fireplace; 2. On the first and second floor, the removal of pre-existing internal carpentry which includes the skirting, doors and architraves; 3. Throughout the property, the removal of pre-existing plasterboard and plasterwork from the walls and ceilings and the installation of services including the installation of new radiators and pipework.
3. The appeal is dismissed and the listed building enforcement notice is upheld as corrected, insofar as it relates to the wiring in the beams throughout the property, and listed building consent is refused for the retention of these works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended (the Act).

Enforcement Notice

4. I have identified some drafting errors in the enforcement notice. Paragraph 1.B. in the Second Schedule should refer to the ‘existing’ garage rather than ‘exiting’ garage. In addition, paragraph 1.C. of the Second Schedule merely repeats the allegation in paragraph 1.B. of the same schedule and can be omitted. Correcting the notice to take account of those drafting errors would not cause injustice to any party, as the corrections would not affect the purpose of the notice.

The appeal site and planning history

5. The appeal site is a grade II listed house which dates from the early 20th Century. The house forms one half of a semi-detached property, designed by Matthew Dawson, as a pair, with the neighbouring semi-detached dwellings (Nos. 40 & 42) Meadway). They form part of the planned estate known as Hampstead Garden Suburb. The property also lies within the Hampstead Garden Suburb Conservation

Area (CA) and was listed, together with No 36, in 1996. The house is on three floors: ground floor, first floor and a second floor within the roof space.

6. Based on the evidence before me, including the list description and observations on my site visit, the significance of the building as a heritage asset is mainly derived from the historic evidence it provides through association with the architect, Matthew Dawson, and as part of a planned garden suburb. Hampstead Garden Suburb is an example of early twentieth century domestic architecture and town planning in Barnet. The exterior of the property has considerable architectural interest. The materials and style of the house, along with Nos. 36, 40 and 42 were designed as an entire composition and derived from the Arts and Crafts movement. Details include an open gable and steep roof with two rows of dormers; prominent stacks and arched arcade to the central bay; rear balcony with brick balustrade and metal French doors; metal triangular bay window. The external elevations are well preserved despite a later side addition to the rear of the garage. The architectural and artistic heritage interest of the exterior of the building is of high significance. The dwelling also makes a positive contribution to the character and appearance of the CA.
7. As set out in the paragraph's above, the design and layout of the property was based on Arts and Crafts principles and to the guidelines laid down by Unwin and Parker for the development of the Hampstead Garden Suburb Estate. The original floor plans were designed by Matthew Dawson and approved by The Hampstead Garden Suburb Trust in 1922¹. An additional plan proposing the garage was also approved by the Trust in 1922². It is understood that in 1984 planning permission was sought for a side extension which enlarged the garage to the rear and fitted out the structure for habitable use, with gazebo to the front. The appellant purchased the property in 2022. Having regard to the photographs which accompanied the estate agent's sales particulars³, and in the absence of any substantive evidence to demonstrate otherwise, I would concur with the appellant's historic advisor that the redecoration of the entire house was likely to have been undertaken at a similar time to the works to extend the garage, as the style and appearance of the fixtures and fittings is contextual with the late 20th Century and evident throughout the house (coving, skirting, radiators, downlights and general decoration). Those works would have thus been undertaken before the property was listed in 1996. Furthermore, the list description makes no reference to the interior of the property, although I accept that a list description will often not refer to the property's interior, unless it is the interior that is of particular historic significance. From the evidence before me, other than the remains of the original fireplace in the sitting room, the exposed joists in the ceiling, some limited historic joinery, a small area of parquet flooring and the plan form of the core house that was developed in the 1920s, the interior of the property has limited historic significance.

Appeal on ground (e)

8. 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 interest which it possesses.

¹ Figures 3 & 4, Fuller Long Statement of Case

² Figure 5, Fuller Long Statement of Case.

³ Figures 10 – 19, Fuller Long Statement of case.

9. 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. In this case the works that have been undertaken only affect the interior of the building and thus preserve the character and appearance of the CA.
10. The appellant's case is that the works they have undertaken preserve the special architectural interest of the dwelling and that listed building consent should be granted for them. In the event that permission is refused, it is requested that the compliance period be extended from nine months to twelve months. I shall address each allegation in turn.

The removal of the original floor and the installation of concrete and under floor heating.

11. The appellant does not dispute that they have removed the flooring throughout the ground floor of the dwelling. The ground floor has been replaced with a damp proof course, concrete screed and underfloor heating installed. Parquet flooring, in oak blocks to match the pattern of the original flooring, which was removed from the entrance hall, has subsequently been laid throughout the ground floor, except within the utility room where tiles have been laid.
12. From the evidence available, prior to the unauthorised works being undertaken, the ground floor entrance hall, kitchen/breakfast room, utility room, garage and family room were of a solid construction, presumed to be cement screed laid over a damp-proof membrane. It is understood that they were in a generally sound and level condition⁴. The remainder of the ground floor was suspended timber construction, board-on-joist. The only element of historic floor covering that has been removed related to the hallway parquet flooring. The kitchen and utility were laid with modern tiles and the sitting room and dining room floors comprised chip and hardboard beneath underlay and carpet.
13. It is the appellant's case that to ensure that excess dampness throughout the ground floor of the house was eradicated and to prevent possible fungal decay and degradation in timber floorboards, it was decided to install a new damp proof course, concrete screed and slimline under floor heating throughout the ground floor. Floor levels have been maintained, except in the kitchen/utility where they have been lowered to their original level.
14. The Homebuyer's Report (HR) clearly identified that random moisture meter tests revealed excess dampness throughout the ground floor of the house, indicative of a failed damp proof course. It recommended a specialist report be undertaken to treat the rising damp. The appellant has not indicated whether he took further specialist advice. However, having regard to my assessment of the heritage significance of the interior of the property, whilst acknowledging that the timber suspended floorboards may have been original, I do not believe the timber boards contributed to the special architectural and historic interest of this property and thus its significance. Furthermore, the requirements of the notice which relate to this aspect of the alleged breach, require the concrete floor and underfloor heating to be removed from the ground floor and oak wood block flooring to be put back⁵. It is clear from the evidence before me, that prior to the works being undertaken, and before the property was listed, there was a solid floor in the entrance hall, kitchen/breakfast room, utility room, garage and family room, and that the entrance

⁴ Homebuyers' Survey, Talbots Surveyors & Valuers, dated 29 July 2022 & Figures 22,23 & 24 Fuller Long Statement of Case.

⁵ Paragraph 2, Third Schedule of the Enforcement Notice.

hall and downstairs cloakroom were the only areas where parquet floor remained. The appellant could only be asked to restore the building to its condition at the time of the listing.i.e.1996. Thus, whilst a limited amount of historic fabric has been lost through the removal of worn and warped parquet flooring, this has been replaced in matching materials/pattern. Moreover, new parquet flooring has been laid throughout the ground floor in areas where there was previously carpet and modern tiles. I therefore conclude that there has not been any harm to the special character and historic interest by the works undertaken to the ground floor flooring.

15. I shall grant listed building consent for these works.

The removal of original brick between the existing garage extension/dining room and between the kitchen/hall entrance to create new door openings.

16. The appellant does not dispute that they have created these two new doorways. The extension to the rear of the garage was, when the appellant's purchased the property, in use as a family room. They now use it as a study. The new doorway from the dining area allows this room to be accessed from the main house, with previous access via the utility and garage. I noted on my site visit that with a car parked in the existing narrow garage it is difficult to gain through access to the study.
17. It is accepted that there has been a small loss of historic brickwork through the creation of the doorway. However, that brickwork is commonplace and did not comprise any craftsmanship of note nor did it contribute to the special interest of the building. The original dining room layout remains legible, and the plan form of the ground floor has already been altered when, amongst other changes to the layout, the garage extension was constructed (mid 1980's) and prior to the property being listed.
18. The appellant has included a copy of the original 1922 plans of the dwelling which include a ground floor layout plan and section through the property⁶. The original doorway into the kitchen was via the scullery adjacent to the fireplace. This doorway and a later doorway on the opposite side of the fireplace have been blocked up, as evidenced by historic doorway lintels where the doorway has been infilled⁷. A doorway was subsequently created in the west wall of the kitchen to provide access from the hallway. Having regard to the evidence before me, including pre-existing floor plans prepared for the appellant in 2023⁸, it appears that this later doorway was the means of access to the kitchen when the property was listed. As part of the unauthorised works, the appellant has infilled this doorway and created a new opening within the same wall, thus creating a new means of access from the hall to the kitchen.
19. The notice requires the property to be returned to its original state and as shown in the pre-existing floor plans prepared by the appellant to accompany his 2023 application. It says those works should include, but not be limited to, filling in the new door openings between the garage extension and dining room and between the kitchen and entrance hall.
20. Having regard to the original 1922 floorplans and considering the pre-existing 2023 plans, it is clear that the layout of the property has altered over time. The original

⁶ Figures 27 & 28, Fuller Long Statement of case.

⁷ Figure 26, Fuller Long Statement of Case.

⁸ Appendix 1, LPA Statement of Case.

entrance to the kitchen from the scullery has been closed, and subsequent doorways created and closed, kitchen stove removed, provision of a downstairs cloakroom, alterations to the stairway between the ground and first floor, new stairway to the attic and re-purposing of first floor bathrooms, bedrooms, creation of dressing rooms and en-suite.

21. The alteration to the doorways between the kitchen and hallway and the new doorway created between the garage extension and dining area do not alter the original plan form of the dwelling, which remains legible. There has been a slight change to the means of circulation on the ground floor and a small loss of historic fabric. Nevertheless, for reasons set out earlier in this decision, I have attributed limited significance to the interior of the building, and the works undertaken to create the new doorways do not harm the special character and historic interest by the building.

22. I shall grant listed building consent for these works.

Works to the original William de Morgan fireplace.

23. During works undertaken to the property, the appellant removed a marble fireplace with timber regency style surround and mantelpiece that was likely to have been installed during the 1980's refurbishment. On removal of that fireplace the appellant revealed the original William de Morgan fireplace. Evidence provided in Figures 31 and 32 of the appellant's statement of case (SOC) show that although the fireplace had been damaged, the distinctive ceramic tiles within the original fireplace remained intact and the fireplace has now been restored.

24. The requirements of the notice in respect of this aspect of the alleged breach have thus been complied with and I shall grant listed building consent for these works.

The removal of original internal carpentry which includes the skirting, doors and architraves on the first and second floors.

25. From the evidence available, including the sales particulars produced in 2022 and Figures 33 and 34 of the appellant's SOC, almost all the joinery on the first floor of the property was refurbished in the 1980's, including new coving and skirting. From an inspection of the property on my site visit, any original features still in situ have been restored or reinstated, including doors, skirtings and architraves. In the absence of any substantive evidence that would suggest otherwise, no historic features or fabric has been lost as a result of the appellant's works and therefore the special character and historic interest of the building has been preserved.
26. Having regard to my findings and in the interests of clarity I shall correct the notice to delete the word "original" from this allegation and substitute with "pre-existing". I shall therefore grant listed building consent for these works.

The removal of original lime-based plaster from the walls and removal of lathe and lime-based plaster from the ceilings throughout the property.

27. The appellant does not dispute that he has removed the walling and ceiling finishes from many of the rooms. He contends that the work was necessary to investigate possible structural defects behind some localised cracks, whilst also to replace plasterwork that had deteriorated over the years and in part was subject to damp. Moreover, the appellant states that whilst undertaking the works no evidence of lathe and plaster or lime-based plaster was uncovered.

28. Notwithstanding the reasons why the appellant considered it necessary to renew the plasterwork, it is evident from the 2022 sales particulars, and Figures 33, 34 and 35 of the appellant's SOC, that previously the property has had new plasterboard ceilings and spotlights installed. It is not known exactly when those works were undertaken, but probably during the 1980's when the property was refurbished, and prior to the property being listed.
29. The notice requires plasterboard to be removed and a breathable plaster to be applied to the wall and lathe and breathable lime-base plaster reinstated to the ceilings. It also requires all downlights to be removed from all the ceilings throughout the property and pendant lighting to be reinstated. I have not been provided with any substantive evidence to indicate that when the property was listed, or indeed when it was originally constructed, the walls were finished in lime-base plaster or ceilings in lathe and plaster. The photographic evidence available indicates instead, plasterboard, which was introduced and developed in the early 20th century. The appellant could only be asked to restore the building to its condition at the time of listing, and the Council has not provided any substantive evidence to dispute the appellant's photographic evidence and assertions on the condition of the property when it was listed.
30. Furthermore, having regard to my assessment of the significance of the interior of the building, I do not consider that the works undertaken have had a harmful effect on its special character or historic interest.
31. In the interests of clarity, I shall correct the notice by deleting reference to original lime-based plaster and lathe and lime-based plaster and instead refer to pre-existing plaster and plasterboard. I shall grant listed building consent for these works.

The installation of new services including wiring in beams and installation of new radiators and pipework throughout the property.

32. The appellant contends that the work was necessary to ensure that the home is safe and energy efficient. The electricity and plumbing in the house were dated and potentially dangerous. The HR recommended that the heating system was replaced and that the electricity, gas and water supplies were overhauled. Some of the radiators in the house were not contextual with the age of the property and in the case of the storage heaters, detracted from the aesthetic value of the interior.
33. The appellant has provided evidence that the large gas boiler was at least 40 years old and has been replaced by a modern energy efficient boiler which is much smaller in size. I noted on my site visit that the new boiler is hidden along with the pipework in fitted cupboards in the utility room. Low level piping necessary to heat the dwelling throughout has been located within existing pipe runs where possible and hidden behind the skirting or fitted cupboards. The new first floor radiators are in the same position as the ones they replaced and on the ground floor the detracting storage heaters have been removed. The underfloor heating means that radiators are not required on the ground floor and thus the sitting room has been restored to its original appearance without radiators.
34. The installation of new services, including radiators and pipework, do not affect the significance of this heritage asset and I shall therefore grant listed building consent for them.

35. The appellant accepts that some of the wiring he installed along the beams in the sitting room with a view to plaster boarding the joists from underneath is not acceptable. The exposed joists contribute to the significance of the property and the fixing/installation of wiring along them is incongruous and would cause harm to the historic fabric of the dwelling, detract from the aesthetics of the sitting room and the architectural character and historic interest of the interior of the dwelling. Those works thus have a harmful effect on the character and special interest of the listed building and fail to preserve it.
36. The harm I have identified is less than substantial to the significance of the heritage asset. This harm is not outweighed by any public benefit. The development is therefore contrary to paragraph 215 of the National Planning Policy Framework, and the heritage aims of Policy CDH08 of the adopted Barnet Local Plan 2021-2036. The appeal on ground (e) therefore fails and listed building consent for this specific alteration fails. I noted on my site visit that the wiring has been removed, the joists have been made good, painted and remain exposed as required by the notice.

Appeal on ground (h)

37. The issue is whether the compliance period of nine months is reasonable. The appellant suggests that a period of 12 months would be more acceptable and reasonable given the time it will take to raise funds and find suitable contractors.
38. It can be seen from my decision that, with the exception of the wiring in the beams, I have granted listed building consent for all the other works alleged in the notice. I also noted that the wiring in the beams has been reversed, and the joists made good. The notice has thus been complied with in respect of this unauthorised alteration and there is no reason to extend the period for compliance.
39. The appeal on ground (h) fails.

Conclusion

40. I shall issue a split decision to grant consent for all the works set out in the Second Schedule of the notice, with the exception of the wiring in beams and I shall uphold the notice and refuse consent for the wiring in beams.

Elizabeth Pleasant

INSPECTOR