



Appeal Decision

Site visit made on 30 March 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 07 April 2026

Appeal Ref: APP/V2004/F/23/3331217

Land at 152-154 Hessle Road, & 104 Coltman Street, Kingston upon Hull, East Yorkshire, HU3 3AD

- 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, 1990.
- The appeal is made by Mahmood Builder Limited against a listed building enforcement notice issued by Kingston Upon Hull City Council.
- The listed building enforcement notice was issued on 8 September 2023.
- The contraventions of listed building control alleged in the notice are:
 - i) Without listed building consent the installation of fascia advertisements to the Hessle Road and Coltman Street front external elevations.
 - ii) Without listed building consent the installation of panels above the door to the principal entrance.
 - iii) Without listed building consent the removal of the fixed timber shop window display screen.
 - iv) Without listed building consent the removal of the timber plinths to the internal window bases.
 - v) Without listed building consent the removal of the existing timber floor structure on the ground floor retail area and the installation of a solid floor.
 - vi) Without listed building consent the removal of the internal wall mounted panelling.
- The requirements of the notice are to:
 - i) Remove the fascia advertisements to the Hessle Road and Coltman Street front external elevations shown in photographs 5,6,7,8, and 10, make good any damage and reinstate the historic advertisement to the Coltman Street Elevation as a timber panel with painted advertisements as shown in the attached photographs marked 1,2,3 and 4.
 - ii) Remove the panels fitted above the door to the principal entrance as marked on photographs 7 and 9 and make good any damage.
 - iii) Reinstate the fixed timber shop window display screen as shown in photographs 12,14,22,23,26,27 and 28 in the position illustrated in plan 1. This shall include the re-instatement of the timber base unit, screen and hinged entry door. This should be from salvage or to replicate the shop unit as shown in the photographs. The construction can be in soft wood, the finish should be in dark wood stain to the shop interior and painted exteriors as shown in the photographs.
 - iv) Reinstate the timber plinths to the internal window bases as shown in photographs 13, 24 and 25 and in the position illustrated on plan 1.
 - v) Remove the solid floor installed into the ground floor retail area shown in photographs 37-41 and reinstate a timber floor no higher than the base of the retained fitted cupboards, using timber rafter and floorboards to the level as shown in photographs 29-36 and illustrated in photograph 18 and photograph 21.
 - vi) Reinstate the internal wall mounted panelling, as shown in photographs 11,15,16,17,19,20 and illustrated on plan 1. This should be from salvage or timber replacements to replicate the panelling retained within the building.
- The period for compliance with the requirements is 4 months
- The appeal is made on the grounds set out in section 39(1) (a) (b) and (d) 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 the deletion of the word "facia" and its substitution with the word "fascia" in paragraph i) of the Third Schedule.
2. Subject to this correction, the appeal is dismissed and the listed building enforcement notice is upheld.

The Notice

3. There is a typographical error in paragraph i) of the Third Schedule in the Listed Building Enforcement Notice (LBEN). The word "fascia" is misspelt. I have thus corrected this spelling error.

Appeal on ground (a)

4. This ground of appeal is that the building is not of special architectural or historic interest.
5. The property is a three-storey corner brick building with garrets. It was constructed in 1896 in the Flemish Renaissance revival style and is situated on the corner of Coltman Street. It displays many fine architectural details, including a cupola, Tuscan columns, ashlar and granite dressings, slate gabled and hipped roofs and timber sash windows. It was a former shoe warehouse and shop designed by a renowned architect Alfred Gelder of Hull. The property occupies a prominent corner position at the gateway to historic Coltman Street. In my view, it has evidential historic, architectural and artistic value. It is worthy of its Grade II listing as a building of special architectural and historic interest and is worthy of preservation. The appeal on ground (a) thus fails.

Appeal on ground (b)

6. This ground of appeal is that the matters alleged in paragraph (v) of the Second Schedule of the LBEN have not occurred. On this legal ground of appeal, the onus is on the Appellant Company to make out their case, and the test is the balance of probability.
7. It is claimed that there was not a timber floor structure in place when the Appellant Company acquired the tenancy and took possession of the property. The Company advise that a solid floor was already in place and they initially laid laminate flooring over the solid floor. This laminate flooring was subsequently removed following water damage and some additional concrete was then laid over the original concrete floor to improve its surface.
8. Photographs Nos 37 and 38 attached to the LBEN clearly show that a concrete floor had recently been laid within the ground floor retail area of the building and the Appellant Company has not provided any substantive evidence to demonstrate that the concrete floor was laid prior to the building being listed in January 1994. On the other hand, photographs appended to the LBEN, dated November 2022, clearly show that there was a timber floor within the retail area of the ground floor of the premises.
9. The original timber floor structure within the ground floor retail area has been removed and a solid floor installed. The appeal on ground (b) fails.

Appeal on ground (d)

10. This ground of appeal addresses situations where essential and urgent works were needed to preserve the listed building. The emphasis is on the words 'essential' and 'urgent' and the 'need to preserve'. This ground of appeal comprises three tests. The first test is whether the works were urgently necessary in the interest of safety or health; the second test is that it was not practical to achieve the aims of safety, health or preservation of the building by repair or temporary support, and the third test is that the works carried out were the minimum measures immediately necessary to achieve the aims of safety, health or preservation. For the appeal to succeed on ground (d), all three tests must be met, and the onus is on the Appellant to conclusively show that this is the case.
11. It is the Appellant Company's case that the fixed timber shop window display screen; timber plinths to the internal window bases and internal wall mounted panelling were all removed enable urgent repairs to the doors and windows which were in a perilous state to be undertaken.
12. The Appellant Company has not provided any evidence to demonstrate what works of repair were necessary for reasons of health or safety nor indeed what works were actually undertaken to the ground floor doors and windows. Moreover, the internal wall mounted panelling that has been removed was physically separate from, and unrelated to the ground floor windows or doors, and thus it is not clear why it was necessary to remove the panelling. Whilst it has been suggested that issues of damp required the removal of the timber window plinths, there is no evidence that would suggest that the damp could not have been treated without the removal of those plinths or the timber shop display screen, or why the plinths could not have been reinstated once the damp had been treated.
13. Taking account of the absence of any substantive evidence to demonstrate that the removal of the fixed timber shop window display screen; timber plinths to the internal window bases and internal wall mounted panelling were urgently necessary in the interest of safety or health; that it was not practical to achieve the aims of safety, health or preservation of the building by repair or temporary support, and the works carried out were the minimum measures immediately necessary to achieve the aims of safety, health or preservation, I conclude that the tests set out above have not been met, and the appeal on ground (d) fails.

Overall Conclusion

14. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should not succeed. I shall uphold the listed building enforcement notice with a correction.

Elizabeth Pleasant

INSPECTOR