
Appeal Decision

Site visit made on 10 April 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th July 2026

Appeal Ref: APP/E5900/Y/25/3375069

41 Havering Street, London E1 0LP

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Kevin Palmer against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/25/00761.
 - The works proposed are retrospective listed building consent to paint existing timber framed windows and reveals to front elevation.
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Decision

1. The appeal is dismissed.

The Appeal site, its surroundings, and the works carried out

2. No 41 Havering Street is a mid-terrace, two-storey, plus basement, dwelling which dates from the early 19th century. In common with 27-45, a consecutively numbered terrace, their butterfly roofs and prominent parapet walls are typical of a late Georgian style.
3. The property and the terrace's of which it forms part are Grade II listed and also fall within the designated Albert Gardens Conservation Area (AGCA)
4. The terraces front facing windows, all of which have painted reveals and sashes are painted white, save for the appeal dwelling's front window frames along with the door and fanlight leadwork, which have now been painted a reddish colour. The window cills have also been painted in a stone shade.
5. Retrospective listed building consent is sought for these alterations.

Main Issues

6. The main issues are:
 - 1) the effect of the works on the significance of the listed building; and
 - 2) the effect of the proposal on the character and appearance of the surrounding area, with particular regard to the conservation area location.

Significance of listing

7. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA) requires the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

8. In terms of the fenestration, front doors and associated features, there is a distinct uniformity here which, at first glance, is not unlike the appearance of a terrace where an Article 4 Direction is in place. In light of this, I consider that such uniformity along the front facades makes a positive contribution to the heritage asset's significance.
9. The setting of a listed building refers to the surroundings in which a heritage asset is experienced, including, amongst other things, visual backdrop and historical context. It is not confined to a property's formal boundaries, and any development altering this wider scope requires careful assessment
10. Paragraph 212 of the National Planning Policy Framework (the Framework) states that, when considering the significance of a designated heritage asset, great weight should be given to that asset's conservation. Significance can be harmed or lost through alteration of the heritage asset and, in instances where harm is identified, the degree of such is a matter for the decision maker's assessment. Further, this must be given considerable weight, and requires convincing justification.

The Conservation Area

11. The Council's AGCA appraisal document says that the area, which incorporates a number of *'delightful' terraces, whose uniformity is part of their success'*, is of particular special architectural and historic interest. In accordance with my statutory duty under s72(1) of the LBCAA I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
12. From my site visit's observations I must agree with the Council that the AGCA's character and appearance define its special qualities and, accordingly, I have concluded that although there is significant desirability for such the proposal is at odds with this in that the works are harmful to the AGCA as a whole.

Effect on listed building

13. Any proposals within, adjacent to, or visible from the heritage asset, must ensure the listed building remains the focus of its setting. Here, the setting is essentially the wider terrace and the uniformity of the various frontage features within. Whilst there are some limited variations to the particular designs of the windows along the terrace these are slight and are certainly not as apparent as the prominence of the coloured paint used on the front door and windows.
14. Although I have found the material submitted in support of this appeal to be a very comprehensive and illustrative account of the history of Havering Street and the AGCA, of which it forms part, I would suggest that there is little evidence to show that an appropriate level of regard has been given to the historic significance of the building in view of the listed building consent sought. Instead, the appellant's stance is somewhat dismissive in saying that the visible change to the external character and appearance of no 41 is small, resulting in a neutral effect that does not cause harm to the special interest of the building, and neither will there be any material effect on the AGCA.
15. I acknowledge that specialist paint has been utilised, but I consider that the colour red in this contextual setting is not appropriate to either the building or its setting. Indeed, I am not convinced that the reason for the works has been properly justified

and the appellant's approach is more akin to a character and appearance assessment more fitting of an application for a householder proposal made under a planning application.

Public benefits and Planning balance

16. The advice within the Framework, set out in paragraph 215, is that, firstly, it needs to be identified whether there would be harm; which there is in this case. The magnitude of that harm should then be assessed. Here, for the purposes of the Framework, I consider the harm to be 'less than substantial'. The second stage is whether any identified public benefits weigh against this harm.
17. In other words, the primary objective and starting point is to preserve the building's special interest, and a robust argument is required for any departure from that principle.
18. The appellant's representations are more directed at criticising the Council's AGCA appraisal document in terms of what he sees as an absence of details and prescriptive guidelines than discussing the property's statutory listing. Unfavourable comparisons are also drawn with other local conservation area appraisals, and that these local conservation areas contain examples of windows painted in colours other than white.
19. Specific examples are given of properties within other conservation areas but this does not, of course, amount to precedent. Instead, each proposal should be considered in the context of the particular circumstances involved and the relevant individual factors, especially when the building at issue is listed. Accordingly, direct parallels are not easily drawn.
20. The appellant says there is minimal visual change to the dwelling when seen from street level, and that the alterations are only visible at very close range. I disagree with this assertion as, from my site visit observations, I noted that changing the colour of the window frames from the prevailing shade of white along the terrace fails to integrate, or syncopate – as the Council terms it - with the rhythm of the Grade II listed terrace. Notwithstanding the appellant's view, harm to the historic environment or heritage assets cannot be concealed.
21. Painting the timber and the cills was the owner's choice. Even if the works were a consequence of some maintenance needed or disrepair the fact that the uniformity of the terrace has seemingly been cast aside as a consideration, and an incongruous paint colour has been employed without proper explanation, strongly suggests that the works cannot be reasonably justified. No public benefits arise here.
22. Development plan policies do not strictly apply to applications for listed building consent but, having had regard to s16(2) of the LBCAA and relevant advice within the Framework, I consider that the proposal is contrary to the advice given and this indicates that listed building consent should be refused in this instance.

Other Considerations

23. I have had regard to the representations received from interested parties, and also that the unauthorised works were now carried out over five years ago. However, neither of these matters outweigh my findings and thereby my conclusions are unaffected.

Conclusions

24. I conclude that, through the works carried out to this listed building, it loses an important element of its historic fabric which causes harm to the significance of this heritage asset and its setting within the Grade II listed terrace along Havering Street. This is not outweighed by any public benefits.

25. For the above reasons the proposal is also harmful to the AGCA.

26. Accordingly, the appeal does not succeed.

T C King

INSPECTOR