



Appeal Decision

Site visit made on 30 June 2026

by Richard S Jones BA(Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2026

Appeal Ref: APP/X5990/F/25/3374230

82 Gloucester Terrace, London, W2 3HH, also known as, 37 Gloucester Mews, London, W2 3HE

- 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 Scott Thrower (82 Gloucester Terrace (2000) Ltd c/o JMW Barnard Management) against a listed building enforcement notice issued by City of Westminster Council.
 - The enforcement notice was issued on 3 September 2025.
 - The contravention of listed building control alleged in the notice is without the benefit of listed building consent and after the date the property was listed, the construction of a brick and timber enclosure with plastic pipework, and the installation of electrical services enclosed within it, in the front lightwell on the Gloucester Terrace elevation of the Property ('the Unauthorised Works').
 - The requirements of the notice are to:
 1. Remove the brick and timber enclosure, the plastic pipe, and the electrical services enclosed within (shown outlined by yellow lines in Photographs A, B and C) together with any supporting structures, fixtures and fittings from the front lightwell on the Gloucester Terrace elevation of the Property; and
 2. Repair any damage to the Property caused by the installation and removal of the enclosure and services, using materials and detailing to match the finish of the existing fabric of the part of the Property affected.
 - The period for compliance with the requirements is six months.
 - The appeal is made on the ground set out in section 39(1)(e) 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 corrected by deleting the words "Town and Country", in the third line of the notice.
2. Subject to the correction, the appeal is dismissed and 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.

Preliminary Matters

3. A listed building enforcement notice (LBEN) is issued under s38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the LBCA Act). However, the LBEN subject to this appeal incorrectly refers to the "Town and Country Planning (Listed Buildings and Conservation Areas Act 1990)". I am satisfied that I am able to correct that error by deleting the words "Town and Country" under the powers transferred to me by s41(1)(a) of the LBCA Act, without injustice to either party.
4. The appeal has been made on ground (e) only. However, the appellant says the works were urgently necessary in the interests of safety and/or health. That is evidently a ground (d) appeal also. The Council has had sight of the appellant's

case and has responded to the issues raised, so no injustice arises from me determining the appeal with that additional ground.

5. It is usual for the main recital of a LBEN to set out which of the purposes of s38(2)(a) or (b) or (c) of the LBCA Act apply. That isn't the case here, but it is evident from the requirements that its purpose falls under s38(2)(a), to restore the building to its former state.
6. In that regard, the appellant states that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out. That clearly points to an appeal on ground (g). However, the appellant takes the issue no further and has provided no evidence relating to the condition of the building before the works took place, or what works of restoration may be necessary to return it to that condition. Indeed, there is no substantive evidence to support his position that the requirements of the notice are excessive for the purpose of restoring the building to its former state. In the absence of anything substantive to consider, and given that ground (g) was not ticked on the appeal form, I have not determined the appeal with that additional ground.

The Ground (d) Appeal

7. A ground (d) appeal is that the works were urgently necessary on the grounds of health and safety. This ground of appeal involves three tests. The first test is whether the works were urgently necessary in the interests of safety or health. The second test is that it was not practicable to achieve the aims of safety, health or preservation of the building by repair or temporary support. 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 an appeal to succeed on ground (d) all three tests must be met.
8. The appellant states that the unauthorised works were required as an emergency to comply with the requirements of the UK Power Network (UKPN) to restore electricity to the building, thus were urgently necessary in the interests of safety and/or health. The appellant states that the contractor carrying out the works in the derelict basement flat advised that the electrical cable serving it was non-compliant and had to be changed.
9. However, there is no corroborating evidence to that effect and if the flat was derelict, it is reasonable to assume it was unoccupied. I therefore fail to see why the works were urgently necessary in the interests of safety or health. Whilst the flat owners may have felt under pressure to do the work straight away, I have nothing to show that such pressures were not merely matters of convenience, rather than necessity. Nor is it explained why such works were so urgently necessary for safety or health that they could not have been programmed in a manner which would have allowed time for listed building consent to have been sought beforehand.
10. It is explained that UKPN disconnected the cable in situ and connected a new one whilst the appellant's contractor installed a horizontal pipe (to act as conduit) to the front façade, and a brick and timber enclosure was built to contain the electrical supply meters. However, the appellant has not explained why the previous routing could not have been followed, nor has any evidence been provided to show that any urgency could not have been addressed with less intrusive, temporary measures whilst listed building consent was being sought, or that there was no

practicable alternative. Indeed, services have presumably been provided to other similar neighbouring flats without the requirement for comparable facilitating works.

11. Moreover, no explanation or evidence is provided to show that the works represented the minimum measures immediately necessary to achieve the aims of safety, health or preservation.
12. Consequently, the works carried out fail all three tests and the appeal on ground (d) fails.

The Ground (e) Appeal

13. A ground (e) appeal is that listed building consent ought to be granted for the works that are the subject of the LBEN.

Main Issues

14. The main issues are whether the works preserve the Grade II listed building, defined as 46-88, Gloucester Terrace W2¹, or its setting or any features of special architectural or historic interest which it possesses; and whether the works preserve or enhance the character or appearance of the Bayswater Conservation Area (BCA).

Reasons

15. The appeal site forms part of a Grade II listed terrace dating from around 1840, finished in stucco. The terrace is designed as a series of three storey above basement, single-bay houses, linked by two-storey entrance bays. The façade of each townhouse features a full-height, basement to second floor level segmental bow window and a front lightwell spanned by an entrance bridge with bottle-balustrades leading to a projecting Doric porch.
16. The consistency to the architectural features, particularly the full height bow windows and Doric porches, along with the stucco finishing, creates a classically inspired rhythm throughout the terrace, which are integral to its special architectural interest.
17. Because the front enclosure to the relatively deep lightwell comprises low black painted railings, clear views of the basement level are achieved from the adjacent footway, allowing the full height bow window to be readily seen and appreciated.
18. The appeal property also falls within the BCA which has a mixed but predominantly residential character. Much of the BCA consists of stucco terraced houses of similar scale and classically inspired features often lining wide, formal streets which are interspersed with mews and streets of a smaller scale.
19. The formal arrangement of the terraces addressing the streets with their traditional detailing and general uniformity, strongly contribute to the significance of the BCA. As the appeal site and the listed building as a whole, form part of one of those terraces, it too positively contributes to the character and appearance of the BCA.
20. The notice concerns the construction of a brick and timber enclosure prominently sited on the front elevation at basement level, and the installation of electrical services within. The enclosure fully occupies the space to the left of the bay

¹ List Entry Number: 1066758, first listed 14 January 1970

window and runs to the majority of the height of the basement level. The notice also concerns a relatively wide plastic pipe running across the depth of the lightwell and into the front of the enclosure.

21. The enclosure is constructed in modern brickwork to the sides with timber boarding to the front. Although the brickwork has been painted white, it hasn't been rendered, so the profile of the bricks and pointing are clearly discernible, resulting in a very obvious and unsightly contrast with the smooth stucco of the front elevation. The square shape of the enclosure also sits awkwardly against the curve of the bow window, creating a jarring mismatch of styles, further emphasised by the contrasting black top which has had to be cut to the shape of the bow to fit into the space. The connecting plastic horizontal pipe also appears unsightly and incongruous.
22. In overall terms, the somewhat crude and makeshift characteristics of the works appear stark against its elegant host building, drawing undue attention on its principal elevation.
23. Moreover, the enclosure has been constructed in front of the deliberately flat elevational plane to the left of the bow window, which would otherwise emphasise the form of the bow and reinforce its status as a principal architectural feature, specifically identified in the listed description. As a result, the enclosure detracts from that focal point and dilutes the impact of its unencumbered verticality, thereby unacceptably compromising the architectural composition of the building and how it is read and appreciated. That in turn has the effect of materially disrupting the uniformity and appearance of the stucco terrace.
24. I therefore find that the works detract from the special architectural interest of the listed building. Given the importance of the classical forms, features and arrangements of the building and its terrace within the BCA, the works also harm the significance of the conservation area.
25. In support of his appeal, the appellant has sought to draw my attention to what he describes as other similar works at nearby buildings. However, many of the examples shown serve to highlight the harm that can arise from such unsympathetic works. In any case, I saw that the majority of townhouses had nothing comparable. The examples cited do not therefore serve to justify the works or to set aside the statutory duty placed on me by s66(1) of the LBCA Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
26. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether the harm amounts to substantial harm, total loss or less than substantial harm to its significance.
27. On the basis of the above, I find the harm to be less than substantial in this case, and at the lower end of that spectrum. In such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the development. In this case, no public benefits have been advanced. Consequently, I find that there are no public benefits sufficient to outweigh the considerable importance and weight that I attach to the identified harm to the

special interest and significance of the listed building and to the character and appearance of the BCA.

28. I therefore conclude that the works do not preserve the Grade II listed building or its setting or any features of special architectural or historic interest which it possesses. Nor do they preserve or enhance the character or appearance of the BCA as a whole. The works are therefore contrary to the expectations of the LBCA Act and section 16 of the Framework. Though the Development Plan is not a statutory consideration in matters relating to listed building consent, it is worth noting that the works also conflict with the heritage aims of London Plan Policy HC1 and City Plan Policies 38, 39 and 40.

29. The ground (e) appeal thus fails, and listed building consent is refused.

Richard S Jones

INSPECTOR

