



Appeal Decision

Site visit made on 1 July 2026

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

an Inspector appointed by the Secretary of State

Decision date: 10 August 2026

Appeal Ref: APP/E5900/F/25/3371116

The premises known as 98 Mile End Road, London, E1 4UN

- 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 Muhammad Hussain against a listed building enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The enforcement notice was issued on 8 July 2025.
 - The contravention of listed building control alleged in the notice is without Listed Building consent and planning permission, the installation of a new shopfront and installation of new fascia signage.
 - The requirements of the notices are to:
 - 1) Reinstate the shopfront to the condition that existed as shown in Appendix 2, by reinstating the location of the door and historic features, including classically inspired pilasters between the door to the upper floors and the panelled stallriser.
 - 2) Make good any damage to the property caused by compliance from the step above.
 - The period for compliance with the requirements is six months.
 - The appeal is made on the grounds set out in section 39(1)(g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Decision

1. The listed building enforcement notice is corrected and varied by:
 - Deleting the words “Listed Building” and “Conservation Area” in the second line and their substitution with “Listed Buildings” and Conservation Areas”.
 - Deleting the words “The matters which appear to constitute the breach of planning control” in the paragraph heading to section 3 and their substitution with “The Contravention Alleged”.
 - Deleting the remainder of section 3 and its substitution with “Without listed building consent, the installation of a new shopfront.”
 - Deleting requirement 1 in section 5 and its substitution with “Reinstate the shopfront to the condition that existed as shown in the July 2012 picture in Appendix 2, by reinstating the location of the door and historic features, including classically inspired pilasters between the door to the upper floors and the panelled stallriser; OR, entirely replicate the shopfront of the adjoining property at No 100 Mile End Road.”
2. Subject to the corrections and variation, the appeal is dismissed and the listed building enforcement notice is upheld.

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 in its recital of the LBCA Act, incorrectly refers to “Listed Building” and “Conservation Area” in the singular, and should therefore be corrected.

4. To reflect the wording of s38(2) of the LBCA Act, the title to section 3 should refer to the contravention alleged, rather than the matters which appear to constitute the breach of planning control. Moreover, as the notice is concerned with listed building control, it is unnecessary to refer to a lack of planning permission in the alleged contravention. The contravention also includes an unnecessary and repetitive preamble, including issues pertinent to and contained within the reasons for issuing the LBEN.
5. Although the contravention includes the installation of a new fascia sign, the requirements do not go on to address that aspect. Reference to the fascia sign should also be deleted from the contravention, so as to avoid any potential misinterpretation of its status.
6. I shall therefore correct the contravention alleged to “Without listed building consent, the installation of a new shopfront”. I am satisfied that I am able to make the corrections under the powers transferred to me by s41(1)(a) of the LBCA Act, without injustice to either party.
7. The appeal has been solely made on ground (g), but the appellant’s case implies a ground (i) appeal also. As explained below, I have reverted to the parties on those issues, so no injustice is caused by my consideration of that additional ground.

The Appeal on Ground (g)

8. A ground (g) is that the requirements of the notice exceed what is necessary for restoring the building to its condition before the works were carried out.
9. The notice relates to a three-storey terrace property which forms part of a group of Grade II listed buildings between Nos 90 to 126 Mile End Road, dating from the early 19th Century. Like its neighbours between Nos 90 and 100, the ground floor of the appeal property is in commercial use and projects forward of the stock brick, upper floor levels.
10. The contravention as corrected is the installation of a new shopfront, whilst the requirements are to reinstate the shopfront to the condition that existed as shown in Appendix 2 of the notice, by reinstating the location of the door and historic features, including classically inspired pilasters between the door to the upper floors and the panelled stallriser. As there are two photographs in Appendix 2, one from 2012 and one from 2025, I shall correct the requirement to refer to the former, for the avoidance of doubt.
11. Nonetheless, the purpose of the notice evidently falls under s38(2)(a) of the LBCA Act, to restore the building to its former state. To that end, the requirements are clearly not excessive as they require the shopfront to be reinstated as per the pre-existing 2012 design. The appeal on ground (g) must therefore fail.

The Appeal on Ground (i)

12. A ground (i) appeal is that the steps required would not restore the character of building to its former state.

13. The Council states that the photograph from 2012 shows the appeal site shopfront to have been “remarkably similar to the shopfront of [the] adjoining building at No 96 Mile End Road, which has been considered acceptable and in compliance with the merits of the Conservation Area”.
14. The Council goes on to explain that it was suggested to the appellant in September 2024 that he either returns the premises to how it was in 2012 or that he copies the shopfront of the adjoining premises at No 96, to ensure that the appropriate details are restored, and that the timber mouldings are replicated accurately. The appellant similarly refers to discussions and the offer of those two options and confirms that he agreed to replicate No 96, but sought clarification on whether this included relocating the shop door, which is on the left side of the appeal property, whereas No 96 is on the right.
15. The appellant explains that is significant as the interior of the shop is designed around the door’s current position, and relocating it would require extensive, costly renovations. My site visit confirmed that would be the case.
16. Both parties refer to a lack of response to communications sent prior to issuing the LBEN, which does not include the option to replicate No 96. As the council considers No 96 to be remarkably similar, I see no reason in principle why that option could not be included, as it would effectively restore the character of the building to its former state. However, from the appellant’s perspective, that would not address the positioning of the door, which he wishes to retain in its current location for the reasons explained, and to that end argues that both neighbouring shopfronts also have doors on one side.
17. I have considered whether that latter point amounts to a ground (e) appeal, that listed building consent should be granted for the works referred to in the notice, insofar as it relates to the position of the door. In that regard I saw that the doors to the commercial properties in the terrace are commonly positioned to one side, either to the left or to the right, including the flanking properties at Nos 96 and 100, rather than a more central position that would arise from complying with the requirements reflecting the 2012 position.
18. However, the door is part and parcel of the shopfront, so it is not possible to sever that aspect to issue a split decision and grant listed building consent for it in isolation. It would also be difficult to properly tailor the requirements to ensure the reinstatement of the other historical features independently of the door.
19. I offered the Council opportunity to comment on that implied ground (e) submission. Following my site visit, I also offered the parties opportunity to comment on whether a varied requirement providing the option to replicate the shopfront at No 100 would be acceptable and whether any injustice or prejudice would arise. I referred to No 100 because that shopfront is very similar to No 96 (which the Council considers to be remarkably similar to the pre-existing appeal property), but has the door on the opposite side, so would meet the appellant’s needs whilst also achieving the Council’s objectives.
20. The Council confirmed its agreement to including the option of replicating the shopfront of No 100 and considers no injustice or prejudice would arise from doing so. Rather, the Council believes that approach to be fair and notes that the door at No 98 is already in the same position as that of No 100 and that the style matches several other ground floor units in this part of Mile End Road. The appellant has

also confirmed that he would be happy to replicate the shopfront at No 100, and agrees that no injustice would arise.

21. Accordingly, I shall vary the requirements to provide the option to either reinstate the shopfront as per the photograph attached to the LBEN, reflecting the 2012 position, or to replicate No 100. Doing so would ensure that either scenario would return the building to its former character (but not exactly its former state as applicable to ground (g)).
22. The ground (i) appeal therefore succeeds to that extent, so I do not need to consider the implied ground (e) appeal.

Richard S Jones

INSPECTOR