Planning Inspectorate

Appeal Decision

Site visit made on 23 July 2026

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2026

Appeal Ref: APP/V5570/C/25/3362170

Ground and Basement at 72 Prebend Street, London N1 8PR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr David Benedikt (Prebend Ltd) against an enforcement notice issued by the Council of the London Borough of Islington.
- The notice was issued on 5 February 2025.
- The breach of planning control as alleged in the notice is Without Planning Permission, the installation of three metal roller security shutters, with associated fixings, trim and shutter housing box on three external entrance doors.
- The requirements of the notice are:
  1) Remove the 3 metal framed security blinds and associated fixings, trim and shutter box housing on three external entrance doors.
  2) Upon completion of step 1 above, remove all the resulting associated waste material from the land thereafter.
- The period for compliance with the requirement is:
  Four (4) calendar months
- The appeal is proceeding on the grounds set out in sections 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed and the enforcement notice is upheld with a correction in the terms set out below in the Formal Decision.

Formal Decision

1. It is directed that the enforcement notice is corrected by:

   At '**Schedule 4 – WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH**' the deletion of the words:

   "..*the 3 metal security blinds*…."

   and their substitution with the words:

   "….*the three metal roller security shutters*….".

2. Subject to this correction, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. A new National Planning Policy Framework (the Framework 2026) was published on 17 August 2026. The views of both main parties have been sought as to the relevance of the Framework 2026 to their respective cases and I have taken any responses into account in my consideration of the appeal, below.

4. A separate appeal[1] regarding an enforcement notice that seeks to attack the alleged material change of use of the first and second floors of the appeal property

[1] Appeal Ref: V5570/C/25/3364241

to a nine room aparthotel is also before me. That appeal, which proceeds on grounds (f) and (g), was subject to a separate decision.

The Notice

5. The allegation as initially set out in the notice refers to three 'metal roller security shutters', together with reference to 'associated fixings, trim and shutter box housing'. Whilst the latter elements are replicated in the wording of requirement (1) at Schedule 4 of the notice, the previously used 'metal roller security shutters' wording is replaced with the words 'metal framed security blinds'. In the interests of consistency and for ease of interpretation I have varied the wording of requirement (1) so that the reference to 'metal roller security shutters' from the allegation is replicated in the wording of this part of the requirements.

The appeal on ground (a)

Main Issue

6. The main issue is the effect of the alleged breach of planning control on the character and appearance of the appeal property and the surrounding area, which lies within the Arlington Square Conservation Area (the CA).

Reasons

7. The appeal site lies within the Arlington Square Conservation Area (the CA). The Council's 'Conservation Area Design Guidelines' (CADG) identifies the area around Arlington Square as having special architectural and historic interest arising from the 'strong visual unity of its mainly 1840's terraces. The appeal site lies on the outward facing perimeter of the CA, a short distance from Arlington Square, on the corner of the Prebend Street and Coleman Fields. The latter leads directly to Arlington Square itself.

8. The appeal premises is not of comparable age to the buildings that the CADG identifies as imbuing the CA with its particular architectural and historic interest. It is, nevertheless a pleasant building that maintains a strong presence on the corner of two lengthy terraced residential blocks that form the perimeter of the CA, and which extend to its heart and, as such, it and they contribute to the CA's architectural and historic interest.

9. Within the CA, commercial buildings are not particularly common, and residential properties proliferate along the terraces. In that context, security shutters are largely absent and not part of the range of building features and details found within the CA. Although the nature and extent of usage of the building has varied over recent times, the building nevertheless presents a pleasant façade to Prebend Street and Coleman Fields. The window detailing remains unobstructed and the retractable awnings above the window openings provide a softer interface with the outside public realm around the building.

10. The security shutters to the three doorway entrances (one to Prebend Street and two to Coleman Fields) cover the entirety of each of the doorway openings. Furthermore, comparisons between current and previous (pre-installation) images of the building's two street frontages show that the shutter mechanism housing either covers, or cuts across, fenestration and detailing above, or part of, those doorway openings.

11. Whilst the appellant is correct to note that the CADG does not expressly refer to external shutters on commercial premises, I do not share the appellant's view that the guidance within the Islington Urban Design Guide (UDG - an extract of which has been included within the appellant's Grounds of Appeal) is not necessarily pertinent to security shutters over doors. Indeed, the notes of caution set out within the UDG regarding the solidity and visual effect of security shutters, and the often unattractive and bulky nature of external shutter mechanisms and housing can be as true in relation to those over doors, as to windows. So too, the recurring principles set out within the CADG regarding the underlying aim to secure well-designed schemes that avoid harm to visual amenity and preserve or enhance the character or appearance of the surrounding area and the CA.

12. In the case of the appeal property, the shutters relate to not one, but three doorways, where the shutters and shutter mechanisms are replicated over three doorway openings in close succession on an open, prominent corner site. Although partly hidden from views along the building's two façades by the window awnings and their mechanisms, the external shutter boxes are harmfully disruptive to the building's appearance when viewed from closer quarters, whilst the solid expanse of the shutters themselves disrupts the simple pattern of the ground floor fenestration and detailing.

13. The CADG recognises that, generally, the houses within the CA retain most of their external architectural details. It also goes on to recognise the role of shopfronts in contributing to the character of the area and that many could be improved so as to better complement the character of the area. The introduction of solid metal shutters to three doorway openings across the building's two street facades, results in unnecessarily functional, utilitarian and incongruous features on an otherwise pleasant building in a prominent, open, corner within and at the entrance to the CA. In these respects, I find the shutters and shutter mechanisms to be harmful to the character and appearance of the appeal property and to the surrounding area.

14. Whilst the reasons for issuing the notice refer to the effect of the shutters and mechanisms on the character and appearance of the surrounding street scene, any effects on the CA are not explicitly mentioned. The Council's 'Planning Enforcement Report' does, however, make reference to the Framework (2024) in very broad terms whilst the Council's 'Statement of Case' also refers to the duty set out by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

15. Nevertheless, the duty established under s72 of the Act falls to the decision maker in the event of an appeal and thus, in this instance, the appeal on ground (a). The advice and guidance set out in the CADG is consistent with the duty established by s72, where special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Although heavily revised in its latest iteration, the Framework 2026 sets out a similar approach to the conservation and protection of heritage assets as did its predecessor. The Framework 2026 identifies potential effects on a heritage asset as having a positive effect, no effect, harm or substantial harm or a total loss of significance.

16. The works alleged in the notice do not, for reasons I have set out, preserve or enhance the significance of the heritage asset, thereby causing harm to the character and appearance of the building, the surrounding area, and to the CA. To

this, I pay special attention, and also that substantial weight is to be given to the asset's conservation.

17. The installation of the shutters was predicated, the appellant states, as a response to concerns regarding the security of the building. Comparison is drawn between recorded crime rates between Prebend Street, London as a whole and the overall national crime rate. Although largely a private benefit to the operators and occupiers of the building, measures to discourage anti-social behaviour and instances of crime are nevertheless also capable of being a public benefit. However, the examples of recorded crime and anti-social behaviour at the street- or postcode-level in the vicinity of the appeal site do not for the most part suggest an area disproportionately affected by such incidences. Although a public benefit, the weight that it carries is limited.

18. The scheme enforced against would fail to achieve the high-quality development that would avoid harm to the character and appearance of the appeal property and preserve or enhance the character or appearance of the CA sought by Islington's Strategic and Development Management Policies (SDMP) (2023) DH1, DH2 or PLAN1. Nor is it consistent with the aims and objectives of London Plan Policies D1, D4 and HC1.

19. It has been suggested by the appellant that lattice-style security shutters may be acceptable to the Council, together with their housing internally within the doorway openings, as an alternative to the current, externally mounted, solid shutters and mechanism. Such an approach would draw on guidance set out within the Islington Urban Design Guide, albeit explicitly rejected by the Council in their appeal Statement of Case. Advice provided prior to the making of an application or, as in this instance, an appeal on ground (a)led the appellant to believe that the local planning authority was supportive of such an approach. However, such advice is provided by the local planning authority without prejudice and is not necessarily subject to the full range of scrutiny and consideration as would be the formal consideration of planning matters at an application or ground (a) appeal stage.

20. Whilst it may be the case that lattice-type shutters and internal housing and mechanism could provide a less harmful alternative there are no details of such before me. Nor am I persuaded that such matters could be left to a suitably worded planning condition given the absence of initial detail beyond a broad descriptive aspiration of such an approach, and the apparent variation, visible from photographic evidence, of differing doorway opening construction and dimensions. As such, I cannot be sufficiently confident that such a scheme could be achieved in a manner that would avoid the type and level of harm that I have identified. The alternative scheme, such as it is at this stage, would fail to achieve the high-quality development that would avoid harm to the character and appearance of the appeal property and preserve or enhance the character or appearance of the CA sought by Islington's Strategic and Development Management Policies (SDMP) (2023) DH1, DH2 or PLAN1. Nor is it consistent with the aims and objectives of London Plan Policies D1, D4 and HC1.

Other Matters

21. In response to the publication of the Framework 2026, both main parties were invited to provide comment on the implications of the revised Framework to their respective cases. In doing so, the appellant focused on the implications thereof on

the principle of the conversion of the ground and first floors from a use falling within Use Class E to one within Use Class C3 and the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015[2]. That is not, however, what the notice seeks to attack or what this appeal therefore relates to.

22. Thus, the appellant's references to Framework 2026 Policies CC2(a) and (b), CC3(a) and (f), HO7(1), L2(b) and L3(1) are not directly relevant to the matter before me and instead relate more to the principle of the use of the building than to matters of effects on character and appearance of the matter enforced against. Nevertheless, Framework Policy DM3(f) states that applications for development should not be refused for schemes that should clearly be approved, having regard to their accordance with the development plan, Framework policies and any other material considerations. Additionally, Framework 2026 Policies S3 and S4 establish the principle of (sustainable) development within settlements, where development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects.

23. For the reasons set out above, the development alleged by the notice should not clearly be approved and, having regard to the development plan, Framework policies and other material considerations, does not accord with them. The benefits of allowing the appeal on ground (a) and approving the application deemed to have been made, which are limited, would be substantially outweighed by the adverse effects upon character and appearance.

Conclusion on ground (a)

24. Neither the appeal scheme, nor that suggested as an alternative, would preserve or enhance the character or appearance of the CA. Failure do so is contrary to SDMP Policies DH1, DH2 or PLAN1 and inconsistent with the aims and objectives of London Plan Policies D1, D4 and HC1. The objectives of Framework 2026 Policies DM3(f), S3(c) and S4(1) seek to promote the principles of sustainable development, subject to a range of caveats. For the reasons set out, the appeal scheme and the suggested alternative would fail to preserve or enhance the character or appearance of the CA, and the public benefits are not sufficient to outweigh that harm, and are therefore contrary to Framework 2026 Policies HE5 and HE9, and the failure of ground (a) and the refusal of the application deemed to have been made, would not be inconsistent with Framework 2026 Policies DM3, S3 or S4..

The appeal on ground (f)

25. An appeal on ground (f) may be brought if it is considered that the steps required by the notice to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.

26. In this case, the notice requires the removal of the shutters, fixings, trim and shutter housing box from all three doorway openings. This is consistent with the purpose of remedying the breach of planning control in accordance with (s173(4)(a)), and not just the remedy of any injury to amenity that has been caused by the breach. I have dealt with the suggested 'lesser steps' as part of the

[2] Specifically, Class MA of Schedule 2, Part 3

ground (a) considerations as an alternative scheme to the shutters, mechanism and housing enforced against.

27. Given that the purpose of the notice is to remedy the breach of planning control, in the absence of planning permission this can only be achieved by the removal of the unauthorised development. To require this does not exceed what is necessary to remedy the breach of planning control and the appeal on this ground must therefore fail.

The appeal on ground (g)

28. The removal of three external roller shutters, trim, fixings and mechanism housing would not amount to an extensive task. A four month compliance period is entirely reasonable in this context. Whilst I have noted the appellant's concern that a longer period of six months should be afforded to allow sufficient time for the determination of an application for planning permission, I have not been presented with a compelling reason why four months is an insufficient period of time for the pursuit of such an approach. The appeal on ground (g) therefore fails.

Conclusion

29. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

G Robbie

INSPECTOR