

Delegated Report		Analysis sheet	Expiry Date:	23/06/2023
		N/A	Consultation Expiry Date:	09/07/2023
Officer		Application Number(s)		
David Peres Da Costa		i) 2023/1742/P ii) 2023/2290/L		
Application Address		Drawing Numbers		
12 Gloucester Gate, 12 & 13 Gloucester Gate Mews London NW1 4AD		Refer to draft decision notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
i) Erection of a double height glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works.				
ii) Erection of a double height glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works.				
Recommendation(s):		Non-determination: would have refused planning permission and listed building consent		
Application Type:		i) Full planning permission ii) Listed building consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
Summary of consultation responses:	<p>A site notice was displayed from 7/06/23 to 1/07/23 and the application was advertised in the local paper on 15/06/23 (expiring 9/07/23).</p> <p>No response were received.</p>					
CAAC/Local groups* comments: <small>*Please Specify</small>	<p>Regent's Park Conservation Area Advisory Committee</p> <p>Strong objection.</p> <p>1. The complex architectural history of Gloucester Lodge is generally well set out and evidenced in the applicant's 'Heritage Statement', especially at sections 3.2-3.6 pp. 8-14. This account, at pp. 8-10, draws out and illustrates the work of J. B. Papworth in the 1830s. It is this work which the applicant references at section 6.5 p. 20: '.. The proposed design is considered to be of an exceptional high-standard of design, which presents an unusually elegant form that reflect the historic curved forms of the apsidal end to the south wing and the garden building present during the late 19th and early 20th centuries (ref. Figure 5). ...'.</p> <p>2. But the applicant also argues, at section 5.6 at p. 18, that 'The rear elevation was never designed with the same architectural interest as the principal west elevation ...'. This assessment is reinforced by the history of the pre-1952 construction, section 3.4 p. 12, which included the single-storey building linking the main house to the mews buildings. This was the configuration as Listed, at Grade I, in 1974.</p> <p>3. The RPCAAC therefore advises that the current proposal is harmful to the Grade I Listed Buildings in that it is out of scale for a building in the rear of the group, where the hierarchy of the surviving historic fabric reflects a subordinate scale.</p> <p>4. Similarly, the forms to the rear are plain and subordinate. The design proposed is alien in its forms and dominant where they should be modest. It is not persuasive to argue that the proposed forms reflect those of the Papworth buildings ('Heritage Statement' pp. 8-10 with figures 5, 6, 7). Papworth's apsidal feature to the 1836 south wing impinges modestly on the garden space: it is also stated to be at ground level. Further, the round conservatory building, also of 1836, sits at a small scale in the garden: it is a feature of the garden, not a substantial element of building defining the south boundary of the space as in the current application proposals.</p> <p>5. We are also concerned that, while the proposed main glazed elevation faces north, the upper parts of the proposed roof would be subject to significant solar gain which would imply the need for high levels of energy use to control internal temperatures. This would contravene Camden's Local Plan policies addressing the – increasingly acute – problems of the climate emergency (Local Plan CC2).</p> <p>6. The proposed two-storey link would harm the hierarchy of building which is a key element of the significance of the Grade I Listed Buildings. There is no public benefit which would outweigh this harm. The proposals would neither preserve nor enhance the character and appearance of the conservation area.</p>					

On the basis of the information available to date, we offer the following advice to assist your Authority in determining the application.

Significance

As a whole, the house is highly significant for its aesthetic value, the rarity of the survival of its internal features when compared with other Nash-period properties around the park, the historic association with James Burton and John Papworth, the preservation of its setting both to the rear where historic mews buildings survive and to the front where the villa garden forms a relationship to the Grade I registered park.

Impact

The proposal for a two-storey link was first put forward in November 2015. Since then, Historic England has consistently advised against a large link structure because it would harm the setting of the Grade I listed house.

We consider that the traditional separation of a villa and its mews would be eroded by this intervention, that it would obscure the rear elevation of the mews and intrude on the primacy of the rear elevation of the main house as viewed from the courtyard.

The form of the link building is without any reasonable comparison or source anywhere on the terrace. Its waved form which curves over the window on the rear elevation of Gloucester Lodge is architecturally at odds with the orthogonal planning of the rest of the terrace.

The resulting clash of forms, and the protrusion of the building into the courtyard, is likely to lack context or subservience to the Grade I listed building. Historic England considers the result to be a harmful intervention to an otherwise highly significant historical composition. This harm is 'less than substantial' in the terms of the NPPF.

Position

Historic England considers the proposals to cause harm to the significance of the Grade I listed building, for the reasons set out above.

We think there are ways to reduce harm in line with paragraph 195 of the NPPF. We suggest options are explored to re-design the link building in a way that reinforces the spirit of the historic building rather than competing with it. In practice, we think the design would benefit from being lower in height and redesigned to be more complimentary to the listed building.

When considering proposals that affect the significance of designated heritage assets, decision-makers are required by the NPPF to give great weight to their conservation and to be satisfied that any harm is clearly and convincingly justified and outweighed by public benefits (Paragraphs 193-196).

Recommendation

Subject to consideration of the matters raised above, we are content for your Authority to determine the outcome of this application as they see fit and in accordance with national legislation and policy.

Historic England
(Summary of most
significant advice)
27 June 2023

Site Description

The site comprises three buildings: No. 12 Gloucester Gate (Gloucester Lodge), No. 12 and No. 13 Gloucester Gate Mews. No.12 Gloucester Gate is one half of a pair of semi-detached houses which are Grade I listed. These properties face towards Regent's Park with 2 and 3 storeys and semi-basement. 12 and 13 Gloucester Gate Mews is a 2 storey mews building to the rear of 12 Gloucester Gate.

No. 12 Gloucester Gate is an existing single family dwelling house with a large forecourt and a walled garden at the rear. Despite having its own address, No. 12 Gloucester Gate Mews has historically been an ancillary building to No. 12 Gloucester Gate. The site falls within the Regent's Park Conservation Area and adjoins the Grade I registered 'Historic Park and Garden' of Regent's Park.

Relevant History

9370129: Demolition of single storey service annexe in rear garden together with internal and external alterations including the reinstatement of period details. Granted 15/10/1993

2015/5961/T: 1x pendulous ash, FELL - dead, centre of front garden of 12 Gloucester Gate, London NW1 - No objection to emergency works 09/12/2015

2015/6092/P & 2015/6389/L: Conversion of two residential units into a single dwellinghouse. Erection of a single storey rear extension, part raising of the courtyard including the creation of a single storey subterranean level. Erection of a single storey infill extension to the side of the dwelling. Demolition and rebuild of mews buildings No. 12 and No. 13. internal alterations, and landscaping alterations. Withdrawn 26/02/2016

2015/6095/P & 2015/6391/L: Conversion of two residential units into a single dwellinghouse. Excavation of basement level underneath mews buildings and installation of 2 lightwells to the front of the dwelling. Erection of a single storey rear extension, part raising of the courtyard including the creation of a single storey subterranean level. Erection of a single storey infill extension to the side of the dwelling. Demolition and rebuild of mews buildings No. 12 and No. 13. internal alterations, and landscaping alterations. Withdrawn 26/02/2016

2016/4549/P & 2016/4554/L: Erection of single storey extension connecting 12 Gloucester Gate to mews building; insertion of rooflight; excavation of basement to extend below rear courtyard and mews properties; remodelling of mews properties with sash windows at upper ground floor (facing courtyard), parapet height raised, and erection of hipped, pitched roof to 12 Gloucester Gate Mews following demolition of 12 and 13 Gloucester Gate Mews behind retained elevation facing Gloucester Gate Mews and internal alterations to 12 Gloucester Gate including installation of lift and alterations at 1st and 2nd floor level. Granted Subject to a Section 106 Legal Agreement 22/12/2016

2017/4111/P & 2017/4133/L: Erection of single storey extension connecting 12 Gloucester Gate to mews building; insertion of rooflight; excavation of basement to extend below rear courtyard and mews properties; remodelling of mews properties with sash windows at upper ground floor (facing courtyard), parapet height raised, and erection of hipped, pitched roof to 12 Gloucester Gate Mews following demolition of 12 and 13 Gloucester Gate Mews behind retained elevation facing Gloucester Gate Mews and internal alterations to 12 Gloucester Gate including installation of lift and alterations at 1st and 2nd floor level (all aforementioned approved under 2016/4554/L) and including the following: revised internal basement layout, relocation of secondary stair at 2nd floor, lowering of garden level by 200mm, insertion of lift to lightwell, setting back of bay on east elevation, insertion of roof light over lift shaft, reconfigured / additional windows at 2nd floor on south elevation, reconfigured roof lights at 2nd floor roof, relocation of door and widening of garage door to east elevation of 12 Gloucester Gate Mews. Refused 15/03/2018

Appeal References APP/X5210/W/18/3204334 & APP/X5210/Y/18/3206252

10 June 2019 Appeal is allowed for: additional door at ground floor level; new window on rear elevation at ground floor level; new internal window at ground floor level; change to solid roof for link

building; internal rearrangement of mews layout; lowering of floor level of link building to match main building; removal of stairs from ground floor to link; retain kitchen in existing location; new rooflights to 2nd floor roof.

The appeal is dismissed insofar as it relates to: insertion of lift to lightwell; works to utility room at lower ground floor level.

2020/0441/P: Variation of condition 3 (approved drawings) of planning permission 2016/4549/P dated 22/12/2016 (as amended by 2017/4111/P partly allowed at appeal 10/06/2019) (for erection of single storey extension connecting 12 Gloucester Gate to mews building and associated alterations), namely to allow lightwell (rather than rooflight) to courtyard. Granted Subject to a Section 106 Legal Agreement 09/10/2020

2020/0427/L: Works permitted by extant Listed Building Consents 2016/4554/L and 2017/4133/L (as part allowed at appeal APP/X5210/W/18/3204334) and the following amendments namely the relocation of the stairs between the basement and lower ground floor to area below the existing stairs; revision to the layout of the treatment room as a result of the relocation of the proposed stairs; the removal of the non-original cupboard under the existing stairs, retention of the vaulted ceiling of the gallery; and the change from a rooflight to a lightwell and relocation of the opening towards the external wall of the mews. Granted 12/10/2020

2022/2916/P: Confirmation of implementation of planning permission 2020/0441/P and listed building consent 2020/0427/L. Granted 20/09/2022

Neighbouring properties

11 Gloucester Gate

2011/3152/P: Installation of replacement air conditioning units at roof and basement level in connection with existing dwellinghouse. Granted 02/09/2011

2011/3160/L: Internal and external refurbishment and repair work to existing doors and windows, installation of replacement air conditioning units within basement vaults and at roof level and excavation to create lap pool at lower ground floor level and internal alterations in connection with existing dwellinghouse. Granted 02/09/2011

10 Gloucester Gate

2016/3706/P: External alterations to dwelling house and mews building (Class C3) including demolition and replacement of the two storey rear extension and other external works. Granted 16/12/2016

2016/4064/L: Various alterations to dwelling house and mews including replacement of the rear extension, mews roof rebuilt and alterations to fenestration, internal refurbishment consisting of demolition and reposition of some partition walls and other internal alterations. Granted 19/12/2016

Relevant policies

NPPF 2023

London Plan 2021

Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy D1 Design

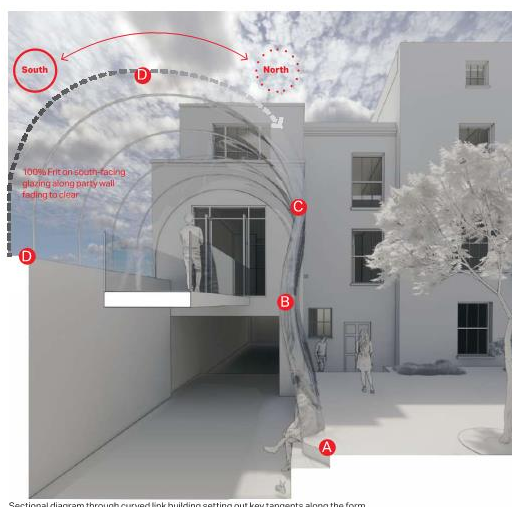
Policy D2 Heritage

Camden Planning Guidance

Assessment

1. Proposal

- 1.1. The application seeks consent for a two-storey glazed extension which would link the main house with the mews buildings at both lower ground and ground floor levels. The glazed extension would have a curved geometry. A reflective pool and drainage base would be situated at the external edge of the northern elevation of the extension facing the courtyard. New openings are proposed at lower ground and ground floors on the courtyard elevation of the mews building. The rear window of the Papworth extension would be remodelled with a four panelled window incorporating central French doors and a lower cill height (replacing the existing tripartite sash windows) to provide a connection to the main house.
- 1.2. The planning statement describes the lower ground floor level as also comprising gallery space for the display of artwork. At ground floor level, a suspended internal walkway with glazed balustrades would provide connectivity between the main house and the living areas in the mews building.



Sectional diagram through curved link building setting out key tangents along the form

2. Statutory Provisions

- 2.1. The statutory provisions principally relevant to the determination of these applications are:
- 2.2. Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("the Listed Buildings Act").
- 2.3. In terms of listed buildings, Section 66(1) of the Listed Buildings Act provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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.
- 2.4. Under Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) special regard should be attached to the desirability of preserving or enhancing the listed building and its features of special architectural or historic interest.
- 2.5. Section 72(1) of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area when considering applications relating to land or buildings within that Area.
- 2.6. The effects of these sections of the Listed Buildings Act is that there is a statutory presumption in favour of the preservation of the character and appearance of Conservation Areas and the preservation of Listed Buildings and their settings. Considerable importance and weight should be attached to their preservation. A proposal which would cause harm

should only be permitted where there are strong countervailing planning considerations which are sufficiently powerful to outweigh the presumption. The NPPF provides guidance on the weight that should be accorded to such harm and in what circumstances such harm might be justified (paras 205-214).

3. Assessment

- 3.1. The main considerations in the assessment of these applications are the impact on the special interest of the listed building and the character and appearance of the conservation area, the impact on neighbouring amenity and sustainability.
- 3.2. **Impact on listed building and conservation area**
- 3.3. The current applications need to be seen in the context of the previously consented scheme the implementation of which has begun (2020/0441/P & 2020/0427/L).
- 3.4. Historic England has advised, in its consultation response to these applications, that “the house is highly significant for its aesthetic value, the rarity of the survival of its internal features when compared with other Nash-period properties around the park, the historic association with James Burton and John Papworth, the preservation of its setting both to the rear where historic mews buildings survive and to the front where the villa garden forms a relationship to the Grade I registered park”.
- 3.5. Officers agree with the applicant’s heritage assessment that “the rear elevation was never designed with the same architectural interest as the principal west elevation”. The hierarchy of the surviving historic fabric has a subordinate treatment and lesser scale at the rear, with a simpler architectural vocabulary than the neo-Classical frontage. Notwithstanding, the rear elevation still has a high level of historic architectural significance and makes an important contribution to the special interest of the listed building.
- 3.6. The proposals comprise a statement piece of architecture designed by MAKE Architects. The curved glass design has been shaped so that when it rains, the water will cascade down the sides of the link with a waterfall effect to be appreciated both internally and externally.
- 3.7. While the consented scheme (2020/0441/P & 2020/0427/L), with its elegantly simple rectangular form would sit with the Regency architecture in a relatively unassuming manner, the appeal proposal with its sculptural form would be a deliberately striking intervention which would over-compete with the architectural forms of the historic building and would demand attention. In addition, the consented scheme reads as a continuation of the external courtyard space, by opening up the glass doors on the garden side. In contrast, the appeal design would be visually and physically impermeable, and by virtue of its form would not be able to open at all. The external envelope would house an internal space, with no relationship with the garden, with a predominantly sculptural effect when viewed from the garden and surrounding properties.
- 3.8. The rear elevation and courtyard garden of 12 Gloucester Gate have undergone extension and remodelling since the construction of the original James Burton design. Both the erection and in some cases subsequent removal of later extensions have been part of the history and evolution of the house and rear courtyard. However, such alterations have been sympathetic and subservient to the listed house and mews building.
- 3.9. The proposed link extension would be out of scale, would be a dominant feature in the courtyard and would have a negative impact on the rear elevation of the main house. Historic England’s advice is given significant weight and their main concerns are set out below.

- 3.10. *“We consider that the traditional separation of a villa and its mews would be eroded by this intervention, that it would obscure the rear elevation of the mews and intrude on the primacy of the rear elevation of the main house as viewed from the courtyard.”*
- 3.11. *The form of the link building is without any reasonable comparison or source anywhere on the terrace. Its waved form which curves over the window on the rear elevation of Gloucester Lodge is architecturally at odds with the orthogonal planning of the rest of the terrace.*
- 3.12. *The resulting clash of forms, and the protrusion of the building into the courtyard, is likely to lack context or subservience to the Grade I listed building. Historic England considers the result to be a harmful intervention to an otherwise highly significant historical composition.”*
- 3.13. Officers agree with this assessment and consider that the overall form and sectional profile of the proposed link will be jarring with the historic buildings. As such, the design will fail to be sympathetic to the sensitive historic context, namely due to the negative impact of the design on the principal host building and upon the curtilage mews building, as well as upon the neighbouring property to the south, and upon the wider conservation area context.
- 3.14. The applicant has failed to demonstrate that the two-storey link extension will not be visible from the public highway of Gloucester Gate to the north. There is a concern that its contrasting design will be out-of-keeping with the uniformity of Nash’s and Burton’s buildings encircling Regent’s Park, as seen from the street in the context of the public realm and the wider Regent’s Park Conservation Area. The applicant was advised at pre-application stage that visuals should be prepared showing the visibility of the link from Gloucester Gate; however, no such visuals have been provided so it is not possible for officers to assess the impact of the proposed link on the public realm element of the conservation area.
- 3.15. The proposed extension includes a walkway which will link the existing upper ground-floor level of the house with the first-floor of the mews house to the rear. Access to the walkway will require openings which would have a negative impact on the fenestration pattern of both courtyard-facing elevations (the existing fenestration of the main house and the approved fenestration of the mews). Whilst the side wing of the main house is a slightly later addition, it is nevertheless considered to be an important part of the historic evolution of the property which does not warrant the conversion of the rear tripartite window into a pair of French doors with margin lights to allow access to the walkway. Likewise, the proposed changes to the rear elevation of the mews building, comprising the creation of a glazed door at first-floor level, are considered to be out-of-keeping with the traditional treatment of the upper portion of the façade.
- 3.16. At pre-application stage, officers advised the applicant that a one-storey link extension (as previously approved) would be more appropriate in terms of its smaller scale and subservience to the existing buildings. As is evident in the consented scheme, a simpler, less ambitious and more low-key design would have fewer impacts on the setting of the listed and curtilage buildings, as well as upon historic fabric such as windows and associated architectural features.
- 3.17. In summary, the currently proposed two-storey extension is considered to have a negative impact on the affected heritage assets in terms of its height, bulk, mass, form, modelling, scale and detailed design. As such, officers cannot support the current scheme as it would cause harm to the special interest of the Grade I listed host building and its setting, the setting of its curtilage building, the setting of adjacent Grade I listed buildings, and to the character and appearance of the Regent’s Park Conservation Area.
- 3.18. Precedents put forward by the applicant

- 3.19. The applicant's submission refers specifically to the neighbouring properties, Numbers 10 and 11 Gloucester Gate as well as the wider terrace of which they form a part. The terrace is Grade I listed.
- 3.20. In relation to Number 10, the applicant's Design and Access Statement refers to the 2016 permission (2016/3706/P & 2016/4064/L) for the demolition and replacement of the link building between the house and the mews and refers to the delivery of "a modern curve-faced brick facade 3 floors high, taller than the mews by 1 floor". Officers note that the demolished link extension (closet wing) was replaced by an extension of the same height (approx. 10m). Surviving drawings from the Crown Estate archive indicate that No. 10 Gloucester Terrace (now Gloucester Gate) was extended to the rear in c.1862. These drawings show that the closet wing consisted of basement, ground and first floor; therefore it is likely that the link extension has exceeded the height of the mews by one floor since that time.
- 3.21. In relation to Number 11, the applicant's Design and Access Statement refers to the fact that it forms one of 11 terraced houses laid out in John Nash's original masterplan. It also refers to the fact that "the link buildings can be seen from aerial views across the rear of 5 of the terrace houses each with a significant mass within the property's courtyard with No. 11 fully infilled aside from a small terrace courtyard".
- 3.22. The terrace 1-11 Gloucester Gate is different in form and design to 12 Gloucester Gate. The large terrace is a symmetrical composition of three storeys (centre & end houses 4 storeys), attics and basements. Both the end houses (Nos 2 and 11) and the central house (No.6) have projecting porticoes.



- 3.23. According to the submitted Heritage Statement, Gloucester Lodge was constructed as a detached dwelling to designs by James Burton in 1827-28 and was designed with a central pediment with four ionic columns supporting an entablature and two lower side wings. As an occupant could not be found, substantial alterations were undertaken in 1836 to create two semi-detached houses, the southern element becoming Gloucester Lodge (12 Gloucester Gate). The main entrance was relocated to a former window opening in the original south wing and a glazed vestibule added. Whereas 11 Gloucester Gate is the end of a larger terrace with four storeys, attic and basement, 12 Gloucester Gate is a semi-detached villa with three storeys and lower ground floor. The photograph below shows the significant difference in proportions between 12 Gloucester Gate (marked by a red arrow) and the neighbouring terrace to the south.

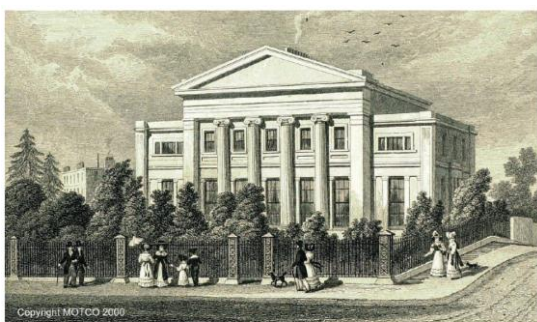


Figure 4: Gloucester Lodge as built by James Burton in 1827-28.



- 3.24. The plot width of the application site (north to south) is almost 14 metres, whereas the width of 11 Gloucester Gate is approximately 9 metres and 10 Gloucester Gate is only 7.6 metres (approx.). There are significant differences between the application site and the terrace to the south in terms of height, scale and size of courtyards, such that the five link structures to the rear of the terrace are of limited relevance and do not form a precedent for the current proposal.
- 3.25. Conclusion
- 3.26. In terms of the National Planning Policy Framework, if there is substantial harm, it needs to be demonstrated that there are substantial public benefits that outweigh that harm. Where a proposal is considered to cause less than substantial harm this still needs to be weighed against the public benefit. Great weight has been given to the conservation of 12 Gloucester Gate especially given that this is a Grade I listed building. In this instance, the harm is considered to be at the high end of less than substantial and in the absence of public benefit, no balance can be found. This scheme is considered, in the words of Planning Practice Guidance: Historic Environment, of “private benefit” and is considered to neither sustain nor enhance the building’s significance.
- 3.27. The proposed link extension would cause harm to the Grade I listed host building and its setting, the setting of its curtilage buildings, the setting of adjacent Grade I listed buildings, and to the character and appearance of the Regent’s Park Conservation Area. The harm identified by officers is not balanced by any public benefit. There also is no heritage benefit arising from the proposed development, which needs to be taken account in any planning balance.
- 3.28. **Amenity**
- 3.29. A daylight and sunlight report has been submitted. This examines the nearest properties: 11 and 14 Gloucester Gate and 219 Albany Street. The report demonstrates all windows would comply with the VSC test as set out in the BRE guide and there would be no noticeable change to the No Sky-Line to any habitable rooms of the neighbours. In terms of glare / dazzle, a minor element of potential reflection is shown to the lowest part of the proposed link. Notwithstanding the very limited area of potential reflection, this section of the glazing would be fritted for privacy and the submitted report states that this fritting would disperse any reflections.
- 3.30. The distance between the windows in the projecting wing of 11 Gloucester Gate and the proposed two storey glazed link would be approximately 4.3m. The courtyard garden of 11 Gloucester Gate is also likely to be subject to a greater sense of enclosure. While there may be a greater sense of enclosure to some rooms as well as the courtyard this is not considered to be so harmful as to warrant a reason for refusal in this instance. It is also noted that there is a significant amount of evergreen foliage above the boundary wall with no. 11 in the location of the proposed glazed link. This foliage already provides a sense of enclosure to this neighbouring property.
- 3.31. **Energy / Sustainability**
- 3.32. Policy CC2 ‘Adapting to Climate Change’ requires development to be resilient to climate change. All development should adopt appropriate climate change adaptation measures such as measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy. All developments are expected to submit a statement demonstrating how the London Plan’s ‘cooling hierarchy’ has informed the building design. Any development that is likely to be at risk of overheating will be required to complete dynamic thermal modelling to demonstrate that any risk of overheating has been mitigated.
- 3.33. An Energy, Sustainability & Overheating Statement has been submitted. This shows that

the link extension would only pass the corridor TM59 hours above 28 degrees criterion when certain measures were adopted: internal blinds and ventilation to adjacent spaces through door openings.

Table 5: Overheating assessment results for London Weather Centre DSY1, 2020s, high emissions, 50% percentile scenario

ID	Design change	Glazing g-value	Glass Fritting	Internal Blinds	Corridor TM59 hours above 28°C criterion	Pass/Fail
1	Base Design. G-value 0.63, no glass fritting.	0.63	N	N	38.6%	Fail
2	Reduce g-value to 0.50.	0.50	N	N	33.0%	Fail
3	Glass fritting incorporated for south facing and roof glazing.	0.50	Y	N	18.9%	Fail
4	Reduce g-value to 0.30.	0.30	Y	N	10.5%	Fail
5	Introduce internal blinds on south facing roof up to apex, and allow for ventilation to adjacent spaces through door openings.	0.30	Y	Y	2.2%	Pass

- 3.34. This raises two concerns. Firstly, the CIBSE guidance “Design methodology for the assessment of overheating risk in homes” (CIBSE TM59: 2017) states that “blinds can be used for the analysis only if specifically included in the design”. It also states that “the assumed solar transmittance/reflectance properties and usage profiles for blinds will need to be justified and well described in the compliance report”. It is not evident that the overheating report includes such details. Officers are also concerned of an apparent clash between the necessity of internal blinds on the south facing roof up to its apex (as modelled in the overheating statement) and the desire for an architectural / artistic feature described as a waterfall link building. There is a concern that blinds would detract from the architectural experience which the design seeks to provide and therefore whether the assumption on their usage in the overheating assessment is justified. The Design and Access Statement (DAS) includes the following paragraphs in its conclusion.
- 3.35. *“The re-imagined glazed link sets out to enhance the property as a whole which by elevating the consented design to a more architecturally profound form, it becomes an architectural component in its own right worthy of the buildings’ it unites whilst simultaneously enhancing their historic qualities.”*
- 3.36. *“This proposal exceeds the prospects a link building has to offer by creating unique details and experiences for those that inhabit the space and thus succeeding as architecture.”*
- 3.37. As the blinds are not specifically included in the design as set out by CIBSE TM59: 2017, the architect’s ambitions for the link extension appear to be undermined by the requirement for blinds or conversely, the assumptions of the overheating assessment regarding the usage of blinds are not realistic.
- 3.38. The second major concern relates to the need to ventilate to adjacent spaces through door openings.
- 3.39. Policy CC2 Adapting to climate change requires development to be resilient to climate change. All development should adopt appropriate climate change adaptation measures such as measures to reduce the impact of urban and dwelling overheating, including application of the cooling hierarchy. All new developments will be expected to submit a statement demonstrating how the London Plan’s ‘cooling hierarchy’ has informed the building design (Policy CC2 paragraph 8.41). The Energy, Sustainability & Overheating Statement does not mention the cooling hierarchy and while it mentions two of the Local Plan’s sustainability and climate change policies, CC1 and CC2, it goes on to say that “whilst the development has been designed in the spirit of these policies, since it is a minor development, it is understood that they are not required to be met”. This is factually incorrect.

- 3.40. The first stage of the London Plan cooling hierarchy is “reduce the amount of heat entering a building through orientation, shading, high albedo materials, fenestration, insulation and the provision of green infrastructure”.
- 3.41. The fully glazed link, with a south facing elevation, by its very nature does not reduce the amount of heat entering the building and no external shading is proposed. The high proportion of glazing with no openable windows would result in excessive heat gains. The requirement for ventilation to adjacent spaces is not acceptable as it would increase the heat going into the rest of the house and could increase the risk of overheating in these spaces. It is also noted that the overheating assessment shows that the link extension would fail for the DSY2 and DSY3 weather scenarios. These are more extreme design weather years:
- DSY2 – 2003: a year with a very intense single warm spell.
 - DSY3 – 1976: a year with a prolonged period of sustained warmth.
- 3.42. According to the Mayor of London’s ‘Energy Assessment Guidance’, “where the CIBSE compliance criteria is not met for a particular weather file, the applicant must demonstrate that the risk of overheating has been reduced as far as practical and that all passive measures have been explored, including reduced glazing and increased external shading”.
- 3.43. While the proposed link extension passes the minimum requirement, it is good practice to take into account the future weather files (i.e. DSY2 and DSY3). Officers’ concerns with the design changes to pass DSY1 (blinds and ventilation to adjacent spaces) and the failure to pass warmer years raises significant concerns that the glazed link would likely result in the need for air-conditioning to reduce overheating. This risk should be minimised.
- 3.44. **Other matters**
- 3.45. The Council has treated this application as a standalone application rather than an amendment to planning permission 2020/0441/P and listed building consent 2020/0427/L. A lawful development certificate confirming that the implementation of those applications has commenced was granted 20/09/2022. While the pre-commencement conditions and s106 obligations have been discharged, other conditions and obligations secured by 2020/0441/P and 2020/0427/L continue to have effect.
- 3.46. Although the appellant has shown all the other works on the proposed drawings (i.e. those works approved under 2020/0441/P and 2020/0427/L), the description of development for both appeal applications only relates to the glazed link extension. Therefore, should permission have been granted an information would have been included on the decision to clarify that the decision relates only to the double height glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and those associated works necessary for the glazed link. The conditions and obligations secured under 2020/0441/P and 2020/0427/L would continue to have effect.

4. Appeal against non-determination

- 4.1. An appeal against non-determination has been received.
- 4.2. The appellant’s Statement of Case raises concerns with the Council’s description of development which does not match the description on the application form. The Council’s description of development is considered to more clearly describe a significant element of the proposal, its height. The height of the glazed link is approximately 5.9m from ground level of the courtyard to the apex of the link and 6.58m from the ground level of the link to the apex of the link. While the height of a storey can vary significantly, 5.9m (or 6.58m) is considered to be best described as double height. Moreover, the appellant accepts that the

proposed extension has two levels. Given that the extension has two levels, double height is not considered to be a misleading description. Rather it helps consultees understand more clearly the nature of the proposal.

4.3. The appellant's grounds of appeal can be summarized as follows:

- a) Gloucester Lodge, although Grade I statutorily listed, has been significantly modified over the years and only the west elevation has considerable architectural interest.
- b) The south wing rear elevation dates from the 1990s / the mews rear elevation already has consent to be rebuilt.
- c) The principle of the link was established several years ago, and it is important to make the buildings function efficiently as a house.
- d) The unique design of the proposals which will enhance the heritage/architectural value of the composition.
- e) There are link buildings between neighbouring Grade I listed properties on Gloucester Gate and corresponding mews to the rear
- f) No objections in terms of residential amenity.
- g) The presumption in favour of sustainable development should be applied, and the proposal should be regarded as enhancing the heritage value of the listed building and the Regents Park Conservation Area.

4.4. Council's comments on appellant's grounds of appeal

4.5. **a) Gloucester Lodge, although Grade I statutorily listed, has been significantly modified over the years and only the west elevation has considerable architectural interest.**

4.6. The appellant argues that the building is therefore very much an amalgam of elements added at different times and that the only part of the original Burton villa that remains clearly readable is the principal (west) elevation that faces Regents Park, which has considerable architectural interest. The appellant refers to the Heritage Statement (2023) which states that the "cumulative alterations made during the 1830s, 1930's and 1990's are considered to have eroded the authenticity and integrity of the original building, and thus its overall architectural and artistic interest particularly to the rear courtyard elevation, which is considered to possess low to medium architectural interest".

4.7. The significance of the courtyard elevation should not be downplayed. We agree with the Heritage Statement which states that "the most significant architecture is considered to have been designed by John Burton" (page 19). The courtyard elevation of the Burton villa is fundamental to the design concept of the building. As such this elevation is of high significance although of lesser architectural interest than the west elevation.

4.8. **b) The south wing rear elevation dates from the 1990s / the mews rear elevation already has consent to be rebuilt.**

4.9. While much of the south wing rear elevation dates from the 1990s, the proposed link structure would erode the traditional separation of a villa and its mews. The erosion of the plan form would be harmful to the significance of this Grade I listed villa. It is accepted that consent has been given for the rebuilding of the mews rear elevation. Nevertheless, the proposed link extension would obscure part of this elevation which contributes to the setting of Grade I villa. The glazed door at first-floor level would detract from the setting as it would result in an arrangement on the rear elevation not typical for mews properties.

- 4.10. **c) The principle of the link was established several years ago, and it is important to make the buildings function efficiently as a house.**
- 4.11. The principle of a single storey link extension has been established by the previous approvals (ref: 2016/4549/P & 2016/4554/L). The approved link extension is considered to be an elegant and 'light touch' addition. The previous approvals also granted consent for connections between the house and mews at basement level. Therefore, permission already exists for links on two floors. A ground floor connection to the media room should not come at the cost of harm to the significance of the Grade I listed building.
- 4.12. **d) The unique design of the proposals which will enhance the heritage/architectural value of the composition.**
- 4.13. The size, form and unique design of the link extension would not reflect the hierarchy of the surviving historic fabric which reflects a subordinate scale to the courtyard elevation with relatively plain forms. In contrast the scale and design would be dominant and would lack subservience to the Grade I listed villa.
- 4.14. **e) There are link buildings between neighbouring Grade I listed properties on Gloucester Gate and corresponding mews to the rear.**
- 4.15. There are significant differences between the application site and the terrace to the south in terms of height, scale and size of courtyards, such that the five link structures to the rear of the terrace are of limited relevance and do not form a precedent for the current proposal. For further detail please refer to paragraphs 3.18 to 3.24.
- 4.16. **f) No objections in terms of residential amenity.**
- 4.17. No objections have been received from adjoining occupiers and impact on amenity does not form a reason for refusal.
- 4.18. **g) The presumption in favour of sustainable development should be applied, and the proposal should be regarded as enhancing the heritage value of the listed building and the Regents Park Conservation Area.**
- 4.19. For decision taking, the presumption in favour of sustainable development means approving development proposals that accord with an up-to-date development plan without delay. The London Plan 2021 and Local Plan 2017 are up-to-date plans. Historic England consider the proposal "to be a harmful intervention to an otherwise highly significant historical composition". The Regent's Park CAAC have advised that "the proposals would neither preserve nor enhance the character and appearance of the conservation area". As such, the proposals do not accord with the Local Plan Policy D2 which states that the Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm.

5. Recommendation

- 5.1. If an appeal under non-determination had not been made, planning permission and listed building consent would have been refused.