



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (as amended) PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

STATEMENT OF CASE

APPEAL SITE 12 Gloucester Gate, 12 & 13 Gloucester Gate Mews, NW1 4HG

APPELLANT Mr M Namaki

SUBJECT OF APPEAL

1) Appeal against non-determination of planning application for:

Erection of a double height glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works.

2. Appeal against non-determination of listed building consent for:

Erection of a double height glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works.

COUNCIL REFERENCE: 2023/1742/P & 2023/2290/L

PLANNING INSPECTORATE REFERENCE: APP/X5210/W/23/3331072 &

APP/X5210/Y/23/3331076

Summary

The site is located within the Regent's Park Conservation Area and is identified as making a positive contribution to its character and appearance. The site comprises three buildings: No. 12 Gloucester Gate (Gloucester Lodge), No. 12 and No. 13 Gloucester Gate Mews. Number 12 Gloucester Gate is one half of a pair of semi-detached houses which are Grade I listed.

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.

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. It comprises a statement piece of architecture designed by MAKE architects. The 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. The 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. The proposed two-storey link would also erode the traditional separation of a villa and its mews. Access to the proposed upper ground 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).

The form of the proposed link extension would be jarring with the historic buildings. As such, the design will fail to be sympathetic to the sensitive historic context and 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. Harm which is not balanced by any public benefit. There is also no heritage benefit arising from the proposed development, which needs to be taken account in any planning balance.

The application also fails to demonstrate how the London Plan's 'cooling hierarchy' has informed the building design as required by Local Plan policy CC2. 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, to reduce overheating in the link extension, is unacceptable as it would increase the heat going into the existing house and would increase the risk of overheating of the host property and so would not be resilient to climate change.

1.0 SITE AND SURROUNDINGS

1.1. The site is located within the Regent's Park Conservation Area and is identified as making a positive contribution to its character and appearance. The site adjoins the Grade I registered 'Historic Park and Garden' of Regent's Park.

1.2. The site comprises three buildings: No. 12 Gloucester Gate (Gloucester Lodge), No. 12 and No. 13 Gloucester Gate Mews. Number 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. Number 12 Gloucester Gate is an existing single family dwelling house with a large forecourt and a walled garden at the rear.

Numbers 12 and 13 Gloucester Gate Mews form a 2 storey mews building to the rear of 12 Gloucester Gate. Despite having its own address, No. 12 Gloucester Gate Mews has historically been an ancillary building to No. 12 Gloucester Gate.

1.3. Number 12 Gloucester Gate is stuccoed, two-storey and composed: to the right of the central portico of attached Ionic columns stands a pavilion of three bays; to the left is a more substantial building (14 Gloucester Gate) which turns the corner. Gloucester Gate Mews is accessed from Albany Street.

1.4. The listed description for the semi-detached pair (Gloucester Lodge (Number 12) Gloucester House (Number 14) includes the following:

1.5. *Pair of semi-detached houses. 1827-8 by James Burton; wings added 1836 by JB Papworth. Stucco. Irregular facade of 2 and 3 storeys and semi-basement. Central Ionic pedimented tetrastyle in antis portico with 3/4 engaged columns rising through ground and 1st floors to carry entablature. Recessed sashes, those to portico with blind boxes. Flanked by single window recessed links to 2 window block with parapet to the right and to the left, distyle-in-antis portico the columns rising through ground and 1st floor to carry the balustraded entablature, forming a balcony to the recessed attic storey of 3 architraved windows (outer, blind) with arcaded balustraded parapet. 4 window return to Gloucester Gate with entrance to No.14 of prostyle Greek Doric portico in antis; architraved doorway and panelled doors. Pilasters carry entablature at attic storey level and continue above to carry cornice with arcaded (mostly) parapet. Architraved, recessed sashes. INTERIORS: not inspected*

2.0 RELEVANT PLANNING HISTORY

- 2.1 A lawful development certificate was granted 20/09/2022 confirming that implementation of planning permission 2020/0441/P and listed building consent 2020/0427/L had commenced and as such development can continue as approved under these permissions (ref: 2022/2916/P).
- 2.2 Planning permission (ref: 2020/0441/P) was granted subject to a legal agreement 09/10/2020 for a '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.**
- 2.3 Listed building consent (2020/0427/L), related to the above planning permission, was granted 12/10/2020 for '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'**
- 2.4 Planning permission and listed building consent was granted on appeal 10 June 2019 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 was dismissed insofar as it related to: insertion of lift to lightwell; works to utility room at lower ground floor level. (refs: 2017/4111/P & 2017/4133/L; APP/X5210/W/18/3204334 & APP/X5210/Y/18/3206252)

- 2.5 Planning permission (ref: 2017/4111/P) was refused for 'Variation of condition 3 (approved drawings) of planning permission 2016/4549/P dated 22/12/2016 (for erection of single storey extension connecting 12 Gloucester Gate to mews building and associated alterations), **namely lowering of garden level by 200mm, insertion of lift to lightwell, setting back of bay on east elevation, a flat solid roof to garden room, 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.**' This decision was appealed (see above).
- 2.6 Listed building consent (ref: 2017/4133/L) was refused for '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. This decision was appealed (see paragraph 2.4 above).

- 2.7 Planning permission and listed building consent was granted subject to s106 legal agreement 22/12/2016 for the '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' (ref: 2016/4549/P & 2016/4554/L)
- 2.8 Listed building consent was granted 15/10/1993 for 'demolition of single storey service annexe in rear garden together with internal and external alterations including the reinstatement of period details' (ref: 9370129).

3.0. PLANNING POLICY FRAMEWORK

3.1. London Plan 2021

Policy HC1 Heritage conservation and growth
Policy SI 4 Managing heat risk

3.2. Camden Local Plan 2017

A1 Managing the impact of development
D1 Design
D2 Heritage
CC1 Climate change mitigation
CC2 Adapting to climate change

3.3. Supplementary Guidance (SPG)

3.4. The following Camden Planning Guidance is relevant.

Camden Planning Guidance Design (adopted January 2021)

Camden Planning Guidance Energy efficiency and adaptation (adopted January 2021)

These Supplementary Planning Documents were adopted following extensive public consultation.

3.5. In addition, the guidance contained in the Regent's Park Conservation Area Appraisal and Management Strategy is relevant to this appeal. This was adopted July 2011.

3.6. A copy of the above Camden Planning Guidance documents and the Regent's Park Conservation Areas Appraisal and Management Strategy were sent with the questionnaire.

3.7. The National Planning Policy Framework (NPPF) is also relevant to the Council's decision and to this appeal. The Department for Levelling Up, Housing and Communities published a revised National Planning Policy Framework in December 2023.

4.0. SUBMISSIONS

4.1. The council confirms that had appeals against non-determination not been made, planning permission and listed building consent for the erection of a double height glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works, would have been refused for the following reasons.

4.2. The reason for refusal of listed building consent (ref: 2023/2290/L) would have been 'The proposed link extension, by reason of its height, bulk, mass, form, modelling and detailed design would be harmful to the special architectural and historic interest of the

Grade I listed host building and its setting, the setting of its curtilage building and the setting of adjacent Grade I listed buildings, contrary to policy D2 of the London Borough of Camden Local Plan 2017.'

4.3. There would have been two reasons for refusal of planning permission (ref: 2023/1742/P).

4.4. Reason 1

4.5. The proposed link extension, by reason of its height, bulk, mass, form, modelling and detailed design would be harmful 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 the character and appearance of the Regents Park Conservation Area contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

4.6. Reason 2

4.7. The proposed link extension, by reason of the failure to apply the cooling hierarchy and its design which incorporates a high proportion of glazing with no openable windows or external shading and its reliance on venting heat to the existing house, would increase the risk of overheating of the host property and so would not be resilient to climate change contrary to policies D1 (Design) and CC2 (Adapting to climate change) of the London Borough of Camden Local Plan 2017.

5.0. THE APPELLANT'S GROUNDS OF APPEAL

5.1. 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.
- 5.2. The Council will address each of the appellants' grounds of appeal individually replicating the format used above.
- 5.3. **a) Gloucester Lodge, although Grade I statutorily listed, has been significantly modified over the years and only the west elevation has considerable architectural interest.**
- 5.4. The appellant argues that the building is 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 Regent's 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”.

- 5.5. 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. 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.
- 5.6. **b) The south wing rear elevation dates from the 1990s / the mews rear elevation already has consent to be rebuilt.**
- 5.7. While much of the south wing rear elevation dates from the 1990s, the proposed double height 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 the mews 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 and out-of-keeping with the traditional treatment of the upper portion of the façade.

5.8. **c) The principle of the link was established several years ago, and it is important to make the buildings function efficiently as a house.**

5.9. 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 consented media room should not come at the cost of harm to the significance of the Grade I listed building.

5.10. **d) The unique design of the proposals which will enhance the heritage/architectural value of the composition.**

5.11. The appellant describes the consented single storey link extension as a 'somewhat bland functional link'. As stated above officers consider the consented link to be an elegant and 'light touch' addition. The consented extension would be subtle and subservient to both the main house and the mews in contrast with the proposed double height glazed link.

5.12. Furthermore, 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. While the proposed link with its sculptural form may be considered a 'fine work of art', it would over-compete with the architectural forms of the Burton villa and would demand attention. The appellant's states that "no changes to the plan form of the building over

what has already been approved by the previous applications is proposed”.

This is incorrect. The previous consents allowed a link at lower ground floor (as well as a further basement link below the courtyard). The appeal seeks a link at upper ground floor with a walkway linking the main house with the mews. This, by its nature, will change the plan form at ground floor level and the sequence of rooms which are connected to each other.

5.13. Officers do not agree with the appellant’s assessment that the impact of the proposed link on the significance of the Grade I listed Gloucester Lodge would be minimal and neutral to positive. Officers consider the double height glazed link would result in harm to the Grade I listed building. This view is shared by the Regent’s Park Conservation Area Advisory Committee (RPCAAC) and Historic England. The RPCAAC have advised “that 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” while Historic England considers the result “to be a harmful intervention to an otherwise highly significant historical composition”.

5.14. 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.

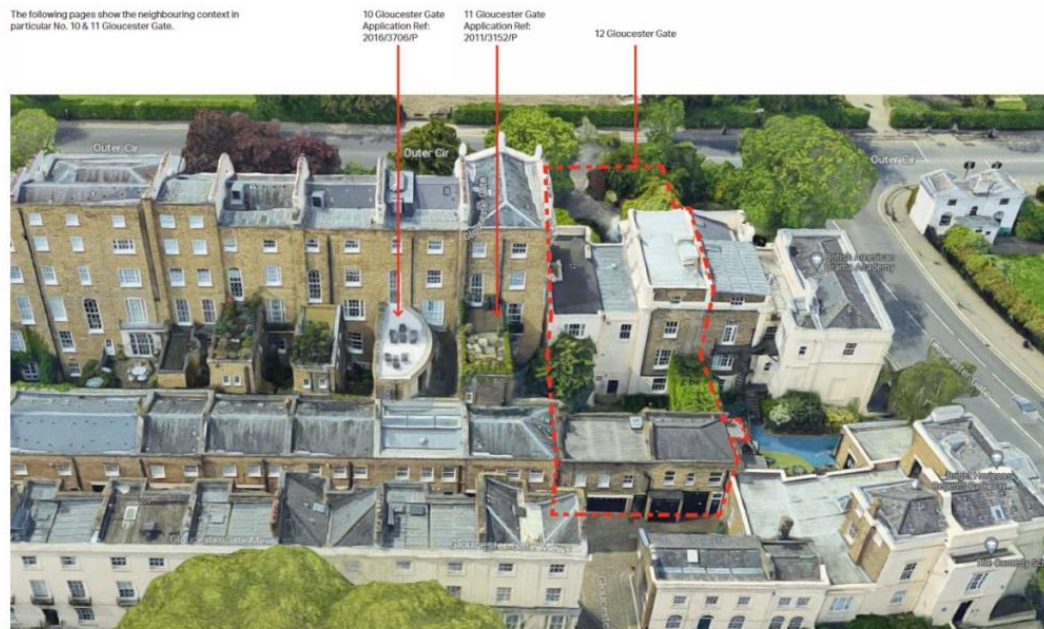
5.15. In this instance, the harm is considered to be at the high end of less than substantial and in the absence of public benefit, no balance can be found. This scheme is considered, in the words of Planning Practice Guidance: Historic Environment, of “private benefit” and is considered to neither sustain

nor enhance the building's significance. As such, there is no heritage benefit arising from the proposed development, which needs to be taken account in any planning balance.

5.16. The proposal does not accord with London Plan Policy HC1 and Local Plan Policy D1 and D2 or paragraph 195 of the NPPF.

5.17. **e) There are link buildings between neighbouring Grade I listed properties on Gloucester Gate and corresponding mews to the rear.**

5.18. The appellant draws attention to the neighbouring terrace, where they assert there are “a number of precedents of two or more storey link buildings” between these properties and their corresponding mews to the rear. The appellant's illustration is provided below.



5.19. However, it is evident from the ordnance survey first edition (dated 1870 to 1878) that historically there were linking structures between the terrace and the mews (at lower ground floor level and in some cases at upper levels as well), whereas no such link

existed at the appeal site at that time. This helps to illustrate Historic England's advice that the house is highly significant for the preservation of its setting to the rear.



5.20. 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.



5.21. 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)



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

and the neighbouring terrace to the south.



5.22. There are significant differences between the appeal site and the terrace to the south in terms of height, scale and historical pattern of development within the 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. The terrace has much narrower

courtyards than the appeal site and this is a function of the different typology that the terrace represents (i.e. it was designed as a terrace rather than a standalone villa).

5.23. The appellant draws specific attention to the three storey link extensions at the neighbouring properties, Numbers 10 and 11 Gloucester Gate. In relation to Number 10, the appellant'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.

5.24. **f) No objections in terms of residential amenity.**

5.25. No objections have been received from adjoining occupiers and impact on amenity does not form a reason for refusal.

5.26. **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.**

5.27. 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". The harm is considered to be less than substantial and there is no public benefit. 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. In addition, the proposal does not accord with Local Plan Policy D1 which states that the Council will require that development preserves or enhances the historic environment and heritage assets in accordance with Policy D2 Heritage. Nor does the proposal accord with Policy HC1 which states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

5.28. The appellant states that the proposed link extension would enhance the heritage value of the listed building and the conservation area. The proposed rationale of adding a "unique and innovative structure" to introduce "architectural interest to the south wing and the courtyard garden" is misconceived. 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. In this context, the proposed addition of sculptural architecture on this scale to create a

deliberately striking intervention would intrude on the primacy of the rear elevation of the Burton villa as viewed from the courtyard.

6.0 THE COUNCIL'S STATEMENT OF CASE

6.1. Proposal

6.2. This description of development on both the planning permission and listed building consent decision notices is:

6.3. Erection of a double height glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works.

6.4. 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 when measured 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 and those reading the decision notice to understand the nature of the proposal more clearly.

6.5. Impact on listed building

- 6.6. 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).
- 6.7. 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”.
- 6.8. 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.
- 6.9. 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.
- 6.10. 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.

- 6.11. 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.
- 6.12. 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.
- 6.13. *"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.*
- 6.14. *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.*
- 6.15. *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."*

- 6.16. 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.
- 6.17. 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.
- 6.18. 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.

6.19. Impact on conservation area

6.20. 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. The two-storey link extension will be visible mainly in private views from neighbouring properties and (in the absence of contrary evidence from the appellant), may be visible from the public highway of Gloucester Gate to the north. Its contrasting design will be out-of-keeping with the uniformity of Nash's buildings encircling Regent's Park and the wider Regent's Park Conservation Area. Therefore, the proposal would neither preserve nor enhance the character and appearance of the conservation area. The harm to the conservation area is considered to be less than substantial with no public benefit.

6.21. Resilience to climate change

6.22. Local Plan 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. 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.

6.23. The appellant's Energy, Sustainability & Overheating Statement 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.

12 Gloucester Gate, 12 & 13 Gloucester Gate Mews, LPA Statement of case

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

6.24. This raises two concerns. Firstly, the Chartered Institution of Building Services Engineers (CIBSE) guidance¹ “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”. This document is included in appendix 1. 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 the blinds usage in the overheating assessment is realistic. The appellant’s Design and Access Statement includes the following paragraphs in its conclusion.

6.25. *“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*

¹ Camden Planning Guidance Energy and Sustainability states that “Dynamic thermal modelling should be carried out in accordance with guidance and data sets in CIBSE and GLA ‘Design Summer Years for London (TM49: 2014) which provides guidance on future proofing for future impacts of overheating from climate change” (paragraph 10.5).

architectural component in its own right worthy of the buildings' it unites whilst simultaneously enhancing their historic qualities."

6.26. *"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."*

6.27. 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 assumption of the overheating assessment regarding the usage of blinds is not realistic.

6.28. The second major concern relates to the need to ventilate to adjacent spaces through door openings.

6.29. 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 appellant's 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.

6.30. 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".

6.31. 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.

6.32. 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”.

6.33. 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.

6.34. The proposed glazed link extension which relies on venting heat to the existing house would increase the risk of overheating of the host property and so would not be resilient to climate change contrary to policies D1 (Design) and CC2 (Adapting to climate change) of the London Borough of Camden Local Plan 2017.

6.35. Other matters

6.36. 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.

6.37. 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. Should the inspector be minded to allow the appeal, officers suggest that an informative be included 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 suggested wording for such an informative is provided below.

6.38. **Conclusion**

6.39. 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. Harm which is not balanced by any public benefit. The extension would therefore be contrary to policies D1 (Design) and D2 (Heritage) of the London Borough of Camden Local Plan 2017.

6.40. The proposed double height glazed link extension relies on blinds and venting heat to the existing house to pass the CIBSE TM59 2017 criterion for corridors (hours above 28 degrees). Given the architect's ambitions for the link extension, officers question

whether the usage of blinds is a realistic assumption. Notwithstanding this concern, venting heat to the existing house would evidently increase the risk of overheating of the host property. As such the proposed extension would not be resilient to climate change, contrary to policies D1 (Design) and CC2 (Adapting to climate change) of the London Borough of Camden Local Plan 2017.

- 6.41. Having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal.
- 6.42. If the Inspector is minded to allow the appeal, the Council's suggested conditions and informatives are below.

7.0 APPROPRIATE CONDITIONS

Planning permission

- 7.1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 7.2 The development shall be carried out in accordance with the following approved plans:

Existing drawings: PG0010 Rev 01; GL-MAK-XX-: 01-DR-AR-PG1001 Rev 01; 00-DR-AR-PG1000 Rev 01; LG-DR-AR-PG0999 Rev 01; GL-MAK-XX-ZZ-DR-AR-PG: 1202 Rev 01; 1201 Rev 01; 1205 Rev 01; 1204 Rev 01

Demolition: GL-MAK-XX-ZZ-DR-AR-PJ: 1705; 1704

Approved drawings: GL-MAK-XX-ZZ-DR-AR-PG: 2201 Rev 01; 2202 Rev 01; 2203 Rev 01; 2205 Rev 01; 2200 Rev 01; 2204 Rev 01; 2206 Rev 01; 2100 Rev 01; 2101 Rev 01. GL-MAK-XX-: 03-DR-AR-PG2003 Rev 01; 02-DR-AR-PG2002 Rev 01; 01-DR-AR-PG2001; LG-DR-AR-PG1999; B1-DR-AR-PG1998 Rev 01; 00-DR-AR-PG: 2000 Rev 01; 2000A Rev 01

Proposed drawings: GL-MAK-XX-ZZ-DR-AR-PJ: 3201; 3202; 3203; 3205; 3200; 3204; 3206; 3100; 3101. GL-MAK-XX-: 03-DR-AR-PJ3003; 02-DR-AR-PJ3002; 01-DR-AR-PJ3001; LG-DR-AR-PJ2999; B1-DR-AR-PJ2998; 00-DR-AR-PJ: 3000; 3000A

Supporting documents: Planning Statement dated April 2023 (hgh Consulting); Design and Access Statement dated 28th April 2023 (MAKE architects); Heritage Statement dated March 2023 (Heritage Information); Daylight and Sunlight Assessment dated 18th April 2023 (EB7); Sustainability, Energy and Overheating Assessment dated April 2023 (XCO2); and Structural Report dated April 2023 (Techniker).

Reason: For the avoidance of doubt and in the interest of proper planning.

7.3 Detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun:

- a. Full details (plans, sections and elevations) of all new joinery at a minimum scale of 1:10 and with typical part plan, section and elevation details at a minimum scale of 1:2, all to be fully annotated with materials and finishes.
- b. Full details of the glazed link extension including typical construction and glazing details (plans, sections and elevations) at a minimum scale of 1:10 of the junctions of the building envelope, the ground-floor construction and the first-floor walkway with the masonry walls and floor construction of the existing buildings (to include fully detailed proposed east elevation of 12 Gloucester Gate and proposed west elevation of 12 & 13 Gloucester Gate Mews), all to be fully annotated with materials and finishes.
- c. Full details of the design for dealing with rainwater run-off from the extension.
- d. Manufacturer's specification details of all building components and systems, materials and finishes (to be submitted to the Local Planning Authority) and samples of those components and materials to be provided on site.

The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

7.4 Should any historic fabric be uncovered during the course of the implementation of the consented scheme, the works shall cease in the specific area and the conservation officer shall be contacted so that a way forward can be agreed in writing and/or additional planning and listed building consent applications be submitted to the local planning authority as applicable.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 7.5 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, satellite dishes or rooftop 'mansafe' rails shall be fixed or installed on the external face of the buildings.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policies D1 and D2 of the London Borough of Camden Local Plan 2017.

7.6 Listed Building Consent

- 7.7 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 7.8 All new work and work of making good shall be carried out to match the existing adjacent work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

- 7.9 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing drawings: PG0010 Rev 01; GL-MAK-XX-: 01-DR-AR-PG1001 Rev 01; 00-DR-AR-PG1000 Rev 01; LG-DR-AR-PG0999 Rev 01; GL-MAK-XX-ZZ-DR-AR-PG: 1202 Rev 01; 1201 Rev 01; 1205 Rev 01; 1204 Rev 01

Demolition: GL-MAK-XX-ZZ-DR-AR-PJ: 1705; 1704

Approved drawings: GL-MAK-XX-ZZ-DR-AR-PG: 2201 Rev 01; 2202 Rev 01; 2203 Rev 01; 2205 Rev 01; 2200 Rev 01; 2204 Rev 01; 2206 Rev 01; 2100 Rev 01; 2101

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Proposed drawings: GL-MAK-XX-ZZ-DR-AR-PJ: 3201; 3202; 3203; 3205; 3200; 3204; 3206; 3100; 3101. GL-MAK-XX-: 03-DR-AR-PJ3003; 02-DR-AR-PJ3002; 01-DR-AR-PJ3001; LG-DR-AR-PJ2999; B1-DR-AR-PJ2998; 00-DR-AR-PJ: 3000; 3000A

Supporting documents: Planning Statement dated April 2023 (hgh Consulting); Design and Access Statement dated 28th April 2023 (MAKE architects); Heritage Statement dated March 2023 (Heritage Information); Daylight and Sunlight Assessment dated 18th April 2023 (EB7); Sustainability, Energy and Overheating Assessment dated April 2023 (XCO2); and Structural Report dated April 2023 (Techniker).

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

8.0 INFORMATIVES

8.1 Planning Permission

8.2 You are advised that this decision relates only to the changes set out in the description. The other works shown on the drawings have been consented under references 2020/0441/P and 2020/0427/L dated 9 October 2020. The implementation of these other works is bound by all the conditions and obligations attached to those permissions.

8.3 Your proposals may be subject to control under the Party Wall etc Act 1996 which covers party wall matters, boundary walls and excavations near

neighbouring buildings. You are advised to consult a suitably qualified and experienced Building Engineer.

- 8.4 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)
- 8.5 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.
- 8.6 Listed building consent
- 8.7 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

Contact:

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