



## PLANNING SERVICES

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

## STATEMENT OF CASE

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

APPELLANT Mr M Namaki

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#### SUBJECT OF APPEAL

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

External alterations including installation of lift from basement to first floor, creation of lightwell and installation of associated balustrades, change to material of mews courtyard elevation from painted brick to fair-faced brick, increase in height of garage doors on retained elevation of 12 Gloucester Gate Mews, reinstatement of existing door into Mews from courtyard and reinstatement of pedestrian gate on front boundary and associated works.

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

External and internal alterations including installation of lift from basement to first floor, creation of lightwell and installation of associated balustrades, change to material of mews courtyard elevation from painted brick to fair-faced brick, increase in height of garage doors on retained elevation of 12 Gloucester Gate Mews, reinstatement of existing door into Mews from courtyard and reinstatement of pedestrian gate on front boundary and associated works, internal works including reinstatement of existing door into Mews building from courtyard; amendment to the layout of south wing at ground floor; internal amendments to first floor; and relocation of first to second floor secondary staircase.

**COUNCIL REFERENCE:** 2023/2155/P & 2023/2324/L

**PLANNING INSPECTORATE REFERENCE:** APP/X5210/W/23/3334880 &  
APP/X5210/Y/23/3334881

## 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 appeal seeks consent for various works to all floors of the subject properties as well as to the mews courtyard elevation and forecourt of 12 Gloucester Gate. The Council has no objection to the majority of the proposed alterations but cannot support the proposed works to the first and second floor of the Grade I listed villa.

The relocation of the door between the principal bedroom and the bathroom would involve a loss of historic fabric and alter the historic plan form of the building. The plan form of this part of the Burton villa and the historic fabric are of high significance and their erosion and loss would cause harm (the middle range of less than substantial harm).

The relocation of the secondary staircase at first and second floor levels would impact on both

the first and second-floor plan forms and could damage existing historic fabric. According to the appellant's heritage statement, the staircase has been in this location from the 1830s. Historic England have previously objected to the relocation of the staircase advising that "one of the earliest phases of the historic plan form would become illegible".

As such, the proposed alterations at first and second floor level would not respect the sensitive historic context and would cause harm to the Grade I listed host building. 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.

## 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 planning and listed building consent application was submitted for the 'Erection of a double height glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works'. Had appeals against non-determination not been made, planning permission and listed building consent would have been refused (2023/1742/P & 2023/2290/L) This matter is currently the subject of an appeal (APP/X5210/W/23/3331072 & APP/X5210/Y/23/3331076) which has been linked to this appeal.

- 2.2 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).
- 2.3 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.**
- 2.4 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'**
- 2.5 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)

- 2.6 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).
- 2.7 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).

2.8 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)

2.9 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

#### **3.2. Camden Local Plan 2017**

A1 Managing the impact of development

A5 Basements

D1 Design

D2 Heritage

#### **3.3. Supplementary Guidance (SPG)**

3.4. The following Camden Planning Guidance is relevant.

Camden Planning Guidance Design (adopted January 2021)

Camden Planning Guidance Basements (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 an appeal against non-determination not been made, the description of the planning application would have been amended (see paragraph 6.5) and this amended description would have been granted subject to conditions.
- 4.2. The Council confirms that had an appeal against non-determination not been made, the listed building consent application description would have been amended (see paragraph 6.9) and this amended description would have been refused.
- 4.3. The reason for refusal of listed building consent (ref: 2023/2324/L) would have been 'The proposed alterations at first and second floor, by reason of the loss of historic



fabric and alterations to the historic plan form, would be harmful to the Grade I listed host building, contrary to policy D2 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) This is a family home as well as a statutorily listed building and it is important that its functionality is maintained in the face of evolving expectations / requirements as far as reasonably possible.
- b) Gloucester Lodge, although Grade I statutorily listed, has been significantly altered and modified over the years and only the west elevation has considerable architectural interest.
- c) Approval exists already for a number of alterations to the property and the latest planning permission and listed building consent have been partially implemented.
- d) Following the recent approvals, the architects have undertaken further detailed design work.
- e) The proposed works have been assessed by a heritage specialist consultant who has concluded that the proposals will have a negligible to minimal and neutral to positive impact on the heritage asset.
- f) The proposed changes to the approved basement are minimal and have been subject to an addendum to the approved Basement Impact Assessment.
- 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) This is a family home as well as a statutorily listed building and it is important that its functionality is maintained in the face of evolving expectations / requirements as far as reasonably possible.**
- 5.4. The alteration to the first-floor plan and the relocation of the staircase is not viewed as necessary for the functioning of the building. It is unclear in what way the approved layout of the first floor does not meet contemporary living standards. Moreover, the expectations and requirements for this dwelling need to take account of the historic and architectural features which are part of this Grade I listed villa's character.
- 5.5. **b) Gloucester Lodge, although Grade I statutorily listed, has been significantly altered and modified over the years and only the west elevation has considerable architectural interest.**
- 5.6. 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.

- 5.7. The appellant's assessment of the significance of this property does not align with Historic England's view which was expressed recently in their comments on two other applications submitted for this site (2023/1742/P & 2023/2290/L). In terms of significance Historic England stated, "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" (emphasis added).
- 5.8. **c) Approval exists already for a number of alterations to the property and the latest planning permission and listed building consent have been partially implemented.**
- 5.9. It is agreed that approval has been granted by 2016/4549/P and 2016/4554/L dated 22/12/2016 (as amended by 2017/4111/P and 2017/4133/L partly allowed at appeal 10/06/2019 and 2020/0441/P dated 09/10/2020 and 2020/0427/L dated 12/10/2020) for various works (see planning history) and that planning permission ref: 2020/0441/P and listed building consent ref: 2020/0427/L have been partially implemented.
- 5.10. **d) Following the recent approvals, the architects have undertaken further detailed design work.**
- 5.11. The appellant states that since 2020, further detailed design work has been undertaken to "improve the functionality of the family home and bring it up to

contemporary standards whilst retaining the historic and architectural integrity of the building”. Officers do not agree that the works to the host property would result in the historic and architectural integrity of the building being retained. The alterations at first and second floor would involve the loss of historic fabric and the loss of the historic plan form of the Burton villa which would undermine the historic and architectural integrity of the building causing harm to the Grade I listed host building.

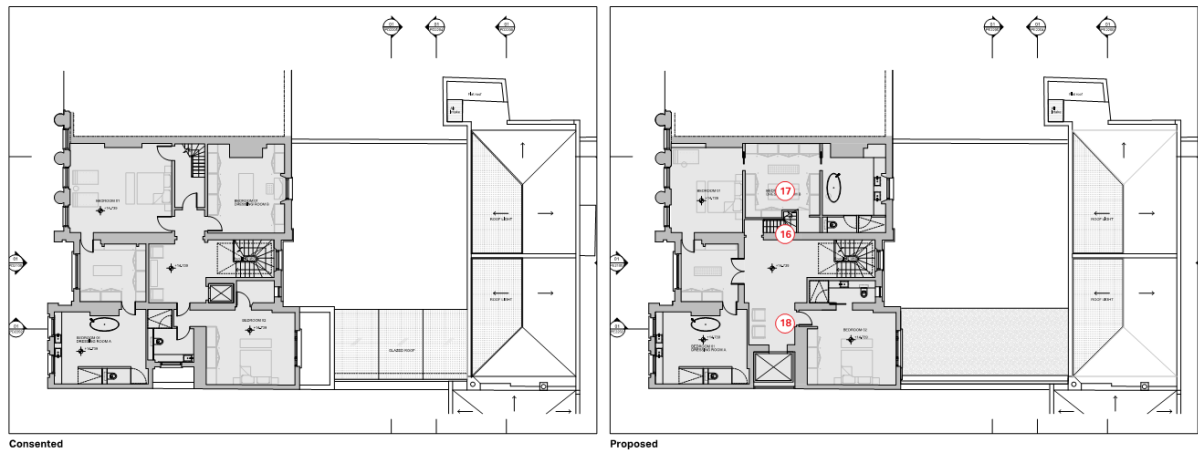
5.12. **e) The proposed works have been assessed by a heritage specialist consultant who has concluded that the proposals will have a negligible to minimal and neutral to positive impact on the heritage asset.**

5.13. Officers do not agree with the Heritage Statement’s assessment of the significance of the listed building which downplays the significance of the interior and states that “the overall architectural interest of Gloucester Lodge is medium and identifies the west elevation as having considerable architectural interest”. Officers agree with the Historic England assessment 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”.

5.14. Relocation of secondary staircase at first and second floor levels

5.15. The relocation of the staircase was originally proposed when application ref 2017/2883/P was submitted where it was described as “Staircase to second floor to be carefully rebuilt in nearby location” (see image below). Historic

England (HE) and Council officers objected to this element of the proposal, and this part of the proposal was subsequently omitted prior to the determination and refusal of the application.



**Commentary**

- 16 Staircase to second floor to be carefully rebuilt in nearby location. Hallway access adjusted to suit
- 17 Reconfigured Bedroom 01 layout

5.16. HE provided the following comments (dated 19 May 2017) at pre-application stage (prior to the submission of ref: 2017/2883/P) [Appendix 1].

5.17. *“In earlier proposals the attic stair was identified for demolition. Historic England resisted these proposals on the grounds that the stair held all the characteristics one would expect to find in a service stair of the early nineteenth century and was therefore likely to be date to earliest Papworth phase of the house, if not Burton's original designs.*

5.18. *The amended scheme now proposes retaining the fabric of the stair but relocating it closer to the first floor landing. While this would reduce the extent of harm, there is still a harmful impact arising from this proposal. Namely, that the original position of the stair and therefore a record of an historic plan form*

*will become illegible. As this evidence relates to the earliest phases of the house's occupation we would advise the council to consider carefully the clear and convincing justification that must be put forward for the justification of the harm that is now proposed."*

5.19. HE also provided comments following the consultation of application ref: 2017/2883/P [Appendix 2].

5.20. *"The second element we raised concern with was the relocation of the secondary stair along the first floor landing. We notice that this element remains part of the scheme, which will cause harm to the special interest of this listed building. The staircase is a good example of a nineteenth century service stair and is likely to date to Burton's original design or to an early phase of Papworth's remodelling and subdivision of the property. We appreciate the stair underwent some refurbishment in the 1990's, however it remains in its original position and by relocating it along the corridor, one of the earliest phases of the historic plan form would become illegible. In accordance with paragraph 132 of the National Planning Policy Framework clear and convincing justification needs to be provided for this harm, which would need to be carefully considered by your council"*

5.21. While HE have chosen not to comment on the current application they have also stressed that "it is not expressing any views on the merits of the proposals which are the subject of the application". HE's previous comments are considered to be material to the current application and although the relocation of the secondary stair would be nearer to its current location, this does not undermine the concerns previously expressed by HE.

5.22. Relocation of bathroom door on first floor

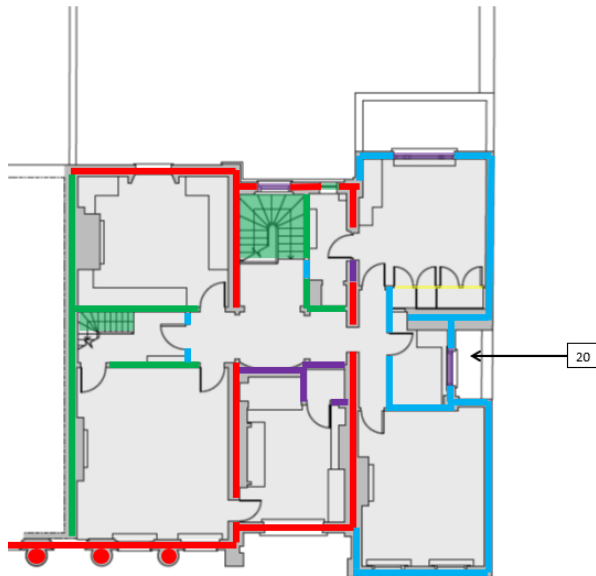
5.23. The appeal statement confirms that “the provision of this new doorway will result in some loss of historic fabric within the partition”.

5.24. For the previous appeal (2017/4111/P & 2017/4133/L, APP/X5210/W/18/3204334 & APP/X5210/Y/18/3206252), the appellant’s submission included a Heritage Statement of Case prepared by Dorian Crone (of Heritage Information) dated June 2018 [Appendix 3]. The Heritage Statement included a set of Morphological Plans. The statement confirmed that the “*Morphological Plans have been produced with reference to the historic plans in Appendix 3 and a detailed examination of the fabric to provide a diagrammatic representation of the subject site as existing. The plans show in which time frame certain principle structural and detailed elements (such as walls, partitions, windows, joinery, etc) were incorporated into the building*”.

5.25. The morphological plan for the first floor is shown below.

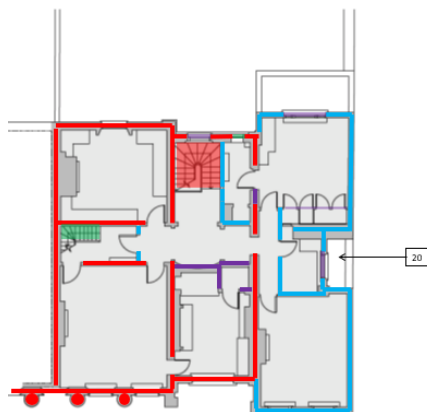
Key:

- Red = original fabric belonging to the Burton villa (1828)
- Green = Papworth alterations (1836) or later 19<sup>th</sup> century
- Blue = fabric introduced during the 1930s (Currey and R. Lutyens) or early 20<sup>th</sup> century
- Yellow = fabric introduced during the c.1950s
- Purple = fabric introduced during the 1990s (Insall Associates) or later 20<sup>th</sup> century



Morphological Plan of the First Floor

5.26. The wall where the bathroom door would be relocated is identified as being 'original fabric belonging to the Burton villa'. The Heritage Statement of Case dated June 2018 (submitted by the appellant for the previous appeal) also includes an assessment of significance alongside plans depicting significance.



Significance Plan of the First Floor

Gloucester Lodge Heritage Statement of Case

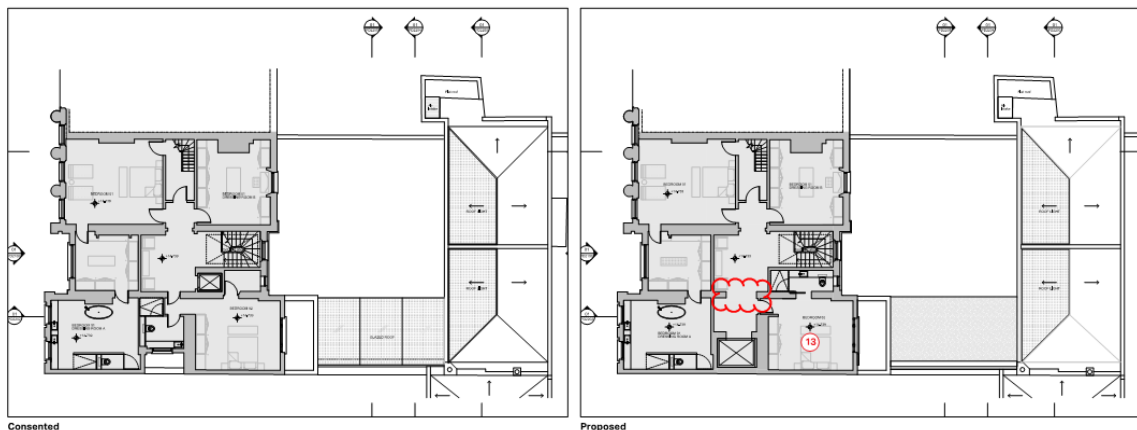
Key:

- 1) High Significance (red)**  
Parts or elements of special interest that are fundamental to the design concept of the building and/or parts that play a major role in its 'historical time line';
- 2) Medium Significance (green)**  
Parts or elements of special interest that are specific to the vocabulary of the building and/or parts that play a considerable role in its 'historical time line';
- 3) Low Significance (blue)**  
Elements of some or little special architectural or historic interest, but that contribute to the vocabulary of the building as a whole and its historical time line;
- 4) No Significance/Detrimental (purple)**  
Parts or elements that do not have special interest, and/or do detract from the building.

5.27. The proposed relocation of the bathroom door relates to the plan form of a room which is identified as being of high significance, being 'fundamental to the design concept of the building'. In the previous appeal the inspector also



considered an alteration at first floor level of the Burton villa: the widening of the corridor by removing a section of wall in front of the lift entrance. This proposed alteration is shown below (highlighted by the red bubble). These plans are included in the appellant's Design and Access Statement Addendum S.73 Amendment (page 7) submitted for the 2017 appeal [Appendix 4]



5.28. Like the proposed bathroom door in the current application, the alteration would have involved the loss of historic fabric from the original Burton villa. The Council objected to this alteration and this was supported by the appeal inspector. The appeal decision [Appendix 5] included the following at paragraph 21.

5.29. *“On the first floor, it is proposed to widen the corridor by removing a section of wall in front of the lift entrance. This would represent a part of the historic masonry of the flank elevation of the original building, and it is therefore of intrinsic significance. In addition to the loss of fabric from the line of the original wall, this work would open up the hallway in area where the sense of enclosure is an important element of the character of the building. I accept that a relatively small section of wall would be removed. Nevertheless, the proposal would result*

*in both the loss of historic fabric and the erosion of the original plan form, and this harm would require clear justification.*

- 5.30. At paragraphs 40-43 of the appeal decision, the planning inspector set out the planning balance and addressed arguments relating to the functionality of a family home and contemporary modern living standards.
- 5.31. *“Following from the analysis above, I find that the proposed works to create the new lift and the alterations to the utility room at lower ground floor level, would harm the significance of the listed building. Accordingly, conflict arises with the overarching statutory duty as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the NPPF. In addition, the scheme would fail to comply with Policy D2 of the Camden Local Plan (LP), insofar as it resists 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.*
- 5.32. *Although serious, the harm to the heritage asset would be less than substantial in this case, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.*
- 5.33. *The appellant has outlined a number of heritage benefits that would arise. Although I do not agree that the removal of the enclosure from within the*

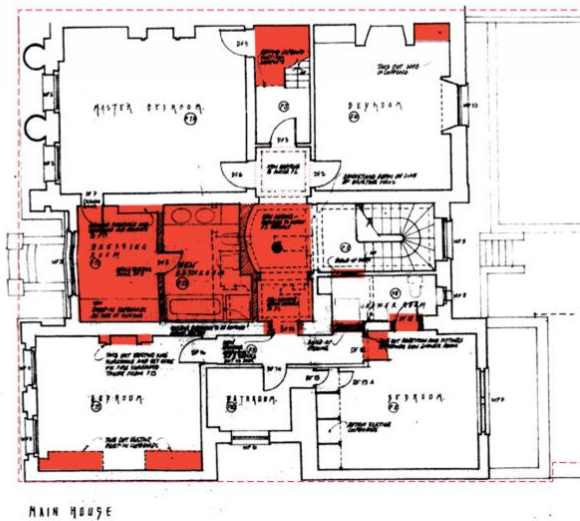
*Papworth stair hall would be beneficial, the reinstatement of a number of former door and window openings would be welcome, and would allow the building to be better understood. However, these benefits could be achieved independently of the appeal scheme, and so would not count in its favour.*

5.34. *The works and development might arguably result in a more attractive home. However, there is no compelling evidence to suggest that the future use of the listed building would be at risk, or that it would be less likely to be looked after if the works in question were not implemented. As a result, any improvement to the standards of accommodation would amount to a private benefit which would not count in favour of the proposal.”*

5.35. The previous appeal decision is relevant as it dealt with the same issue as the current appeal: loss of historic fabric and harm to plan form of the original Burton Villa at first floor level. Indeed, it appears the current appeal would involve a greater loss of historic fabric.

5.36. The appeal statement refers to the “plan form of the first floor (which was largely re-created during the 1990s)”. While the Donald Insall Associates remodelling in the 1990s was significant, it did not involve any removal of historic fabric from the master bedroom. Donald Insall Associates plan of first floor is shown below.

First Floor



**Key changes**

- Removal of rooflight above bathroom
- Removal of bathroom for new hallway
- Conversion of bedroom into ensuite bathroom to serve master bedroom
- Remodelling of main landing
- New wall beside stairs to create shower room to bedroom
- Removal of partition wall enclosing stairs to second floor
- Removal of various joinery
- Replacement of cornice

5.37. **f) The proposed changes to the approved basement are minimal and have been subject to an addendum to the approved Basement Impact Assessment.**

5.38. Officers do not have any objection to the proposed extension of the consented lift from the lower ground floor to the consented basement.

5.39. **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.**

5.40. 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. The proposed works have been assessed by the Council's Conservation officer who has concluded that the loss of the first to second floor staircase would cause harm which is at the high end of less than

substantial, while the alterations to the first-floor plan form would result in harm which is at the middle of less than substantial. The staircase works would have a greater impact as they would involve the loss of one of the earliest phases of the historic plan form of the villa. Historic England's previous objections to the relocation of the secondary stair are a material consideration for the current application.

- 5.41. As such, the proposals do not accord with 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. The harm identified by officers is not balanced by any public benefit.

## 6.0 THE COUNCIL'S STATEMENT OF CASE

### 6.1. Proposal

- 6.2. This description of development on the planning application is:

6.3. External alterations including installation of lift from basement to first floor, creation of lightwell and installation of associated balustrades, change to material of mews courtyard elevation from painted brick to fair-faced brick, increase in height of garage doors on retained elevation of 12 Gloucester Gate Mews, reinstatement of existing door into Mews from courtyard and reinstatement of pedestrian gate on front boundary and associated works.

- 6.4. The description includes a number of errors and a revised description is set out below.

- 6.5. 'External alterations including ~~installation of lift from basement to first floor~~, creation of replacement of fixed glazing with sliding doors to consented lightwell and installation of associated balustrades, change to material of mews courtyard elevation from painted brick to fair-faced brick, increase in height of garage doors on retained elevation of 12 Gloucester Gate Mews, reinstatement of existing door into Mews from courtyard and reinstatement of pedestrian gate on front boundary and associated works'
- 6.6. This description of development on the listed building consent application is:
- 6.7. External and internal alterations including installation of lift from basement to first floor, creation of lightwell and installation of associated balustrades, change to material of mews courtyard elevation from painted brick to fair-faced brick, increase in height of garage doors on retained elevation of 12 Gloucester Gate Mews, reinstatement of existing door into Mews from courtyard and reinstatement of pedestrian gate on front boundary and associated works, internal works including reinstatement of existing door into Mews building from courtyard; amendment to the layout of south wing at ground floor; internal amendments to first floor; and relocation of first to second floor secondary staircase.
- 6.8. The description includes a number of errors and a revised description is set out below.
- 6.9. External and internal alterations including ~~installation~~ extension of lift (approved by application refs: 2020/0441/P and 2020/0427/L) ~~from to~~ basement to first floor, creation of replacement of fixed glazing with sliding doors to consented lightwell and installation of associated balustrades, change to material of mews courtyard elevation from painted brick to fair-faced brick, increase in height of garage doors on retained elevation of 12 Gloucester Gate Mews, reinstatement of existing door ~~into~~ into Mews from courtyard and reinstatement of pedestrian gate on front boundary and associated works, internal works including ~~reinstatement of existing door into Mews building from~~

~~courtyard~~; amendment to the layout of south wing at ground floor; internal amendments to first floor; and relocation of first to second floor secondary staircase'

6.10. Impact on listed building

6.11. 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).

6.12. 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”.

6.13. The proposed works to the first floor, an area of high significance within the listed building, are considered, as a whole, to cause a level of harm to the special interest of the listed building.

6.14. Whilst the return of the bathroom in the proposals to its current location will have a neutral effect, the moving of the door between the principal bedroom and the bathroom is likely to involve a structural intervention within a loadbearing wall, which would involve a loss of historic fabric and alter the historic plan form of the building. The existing door opening closer to the front façade of the house, which has been in position at least for the majority of the 20th and 21st centuries (see plan from 1929 below), should be retained.

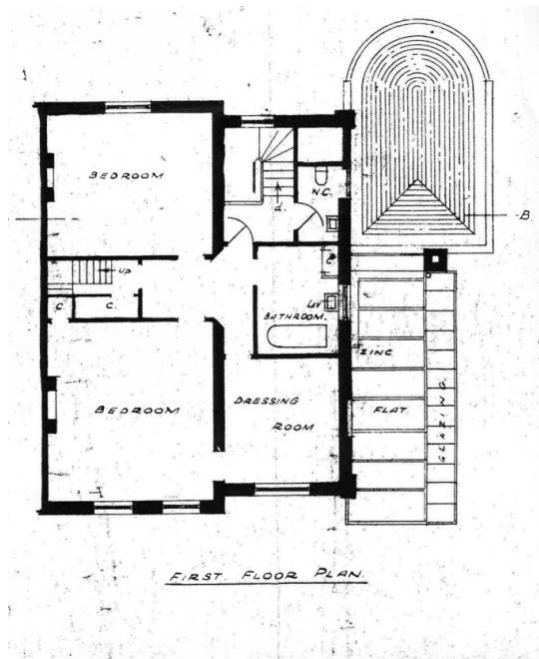


Fig. 3. First Floor as Existing, August 1929

- 6.15. The incorporation of ensuite WC and bathroom facilities in the principal rear room will require subdivision through the creation of a WC cubicle as well as the incorporation of plumbing with potential impacts from service runs on historic fabric. The subdivision of the room is discouraged due to the negative impacts on the plan form. The additional plumbing cannot be supported by officers in the absence of details of service runs and their impacts both on the interior and exterior of the listed building.
- 6.16. The proposal to move the secondary stair southwards away from the party wall with No 13 Gloucester Gate would impact both the first- and second-floor plan forms as well as potential damage to historic fabric. According to the appellant's heritage statement, the staircase has been in this location from the 1830s. It would appear the main reason for this relocation is to facilitate the insertion of a link corridor between the front and rear first-floor rooms. This is not considered essential for the functioning of the listed building as both rooms can benefit from entrance doors directly facing each other across the first-floor landing (as already shown in the previous consents).
- 6.17. The proposed works are generally acceptable at upper-ground and basement levels but are problematic at first and second-floor levels due to alterations to the historic plan



form and the loss of historic fabric. As such, the proposals are not acceptable as they would cause harm to the special interest of the Grade I listed building.

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. The relocation of the first to second floor staircase constitutes the high end of less than substantial harm, and the alterations to the first floor plan form, the middle range of less than substantial harm. 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. There is no heritage benefit arising from the proposed development, which needs to be taken into account in any planning balance.

6.19. Other matters

6.20. 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.

6.21. 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 various internal and

external works in these descriptions. Should the inspector be minded to allow the appeal, officers suggest that an informative be included to clarify that the decision relates only to works set out in the description. The suggested wording for such an informative is provided below.

**6.22. Conclusion**

6.23. Having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to part allow and part dismiss the appeal.

6.24. The appeal should be dismissed in as far as the works which relate to the first and second floor (the relocation of the door and the relocation of the staircase).

6.25. If the Inspector is minded to either part allow or fully allow the appeal, the Council's suggested conditions and informatives are set out 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 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

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

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

Existing drawings: Site location plan; GL-MAK-XX-: 01-DR-AR-PG1001 Rev 01; 00-DR-AR-PG1000 Rev 01; 00-DR-AR-PG1000A Rev 01; LG-DR-AR-PG0999 Rev 01; GL-MAK-XX-ZZ-DR-AR-PG: 1200 Rev 01; 1202 Rev 01; 1201 Rev 01; 1203 Rev 01; 1205 Rev 01; 1204 Rev 01; 1206 Rev 01; GL-MAK-XX-: 02-DR-AR-PG1002 Rev 01; 03-DR-AR-PG1003 Rev 01; ZZ-DR-AR-PG1100 Rev 01; ZZ-DR-AR-PG1101 Rev 01;

Demolition: GL-MAK-XX-01-DR-AR-PH1501

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-PH: 3201 00; 3202 00; 3203 00; 3205 00; 3200 00; 3204 00; 3206 00; 3100 00; 3101 00; 3911 01. GL-MAK-XX-: 03-DR-AR-PH3003 00; 02-DR-AR-PH3002 00; 01-DR-AR-PH3001; LG-DR-AR-PH2999; B1-DR-AR-PH2998; 00-DR-AR-PH: 3000; 3000A

Supporting documents: Basement Impact Assessment Ref: 15060/01/05 (including appendices) prepared by Techniker dated 05.07.2017; Design and Access Statement dated 25th May 2023 (MAKE architects); BIA Addendum 10 prepared by Techniker dated May 2023; BIA Addendum 11 prepared by Techniker dated November 2023; Heritage Statement dated May 2023 (Heritage Information); Planning Statement dated May 2023 (hgh Consulting); Gloucester Lodge: Arboricultural Technical Note prepared by Tyler Grange; and Structural Report dated May 2023 (Techniker).

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

- 7.4 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 front gate and gate posts; and lintel and garage doors (mews elevation) 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 (drawings at a minimum scale of 1:10 or manufacturers specifications) of glazed balustrade to lightwell

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 D1 and D2 of the London Borough of Camden Local Plan 2017.

- 7.5 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.

- 7.6 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.

- 7.7 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, check for compliance with the design (as approved by the local planning authority and building control body) and monitor the critical elements of both permanent and temporary basement construction works throughout their duration. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

- 7.8 Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 7.9 The development shall not be carried out other than in strict accordance with the methodologies, recommendations and requirements of the Basement Impact Assessment dated 05.07.2017 (including BIA Addendum 10 prepared by Techniker dated May 2023 and BIA Addendum 11 prepared by Techniker dated November 2023) hereby approved, and the confirmation at the detailed design stage that the damage impact assessment would be limited to Burland Category 1.

Reason: To ensure proper consideration of the structural stability of neighbouring buildings and to safeguard the appearance and character of the immediate area in

accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 7.10 The works to the front courtyard involving the installation of gate and new pedestrian footpath shall be undertaken in accordance with the recommendations of the Gloucester Lodge: Arboricultural Technical Note prepared by Tyler Grange and shall follow guidelines and standards set out in BS5837:2012 "Trees in Relation to Construction". All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policy A3 of the London Borough of Camden Local Plan 2017.

7.11 Listed Building Consent

- 7.12 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.

- 7.13 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.

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

Demolition: GL-MAK-XX-01-DR-AR-PH1501

Proposed drawings: GL-MAK-XX-ZZ-DR-AR-PH: 3201 00; 3202 00; 3203 00; 3205 00; 3200 00; 3204 00; 3206 00; 3100 00; 3101 00; 3911 01. GL-MAK-XX-: 03-DR-AR-PH3003 00; 02-DR-AR-PH3002 00; 01-DR-AR-PH3001; LG-DR-AR-PH2999; B1-DR-AR-PH2998; 00-DR-AR-PH: 3000; 3000A

Supporting documents: Basement Impact Assessment Ref: 15060/01/05 (including appendices) prepared by Techniker dated 05.07.2017; Design and Access Statement dated 25th May 2023 (MAKE architects); BIA Addendum 10 prepared by Techniker dated May 2023; BIA Addendum 11 prepared by Techniker dated November 2023; Heritage Statement dated May 2023 (Heritage Information); Planning Statement dated May 2023 (hgh Consulting); Gloucester Lodge: Arboricultural Technical Note prepared by Tyler Grange; and Structural Report dated May 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.

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

7.15 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 of all new additions and interventions to the building (plans, sections and elevations at a scale of 1:10) including extension of the lift to the basement and alterations at basement level, first-floor and second-floor including relocation of secondary staircase.
- b) Full details of all new joinery (including doors, door surrounds and skirtings) at a minimum of 1:20 scale and with typical sections at a minimum of 1:2 scale.
- c) Details of service runs required for any pipework demonstrating extent of fabric that would be lost.

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

Should any historic fabric be uncovered during the course of the works the works should cease in the specific area and the conservation officer contacted with a view to agreeing their retention or salvage.

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.

## **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](http://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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