



Appeal Decisions

Hearing held on 1 May 2024

Site visit made on 1 May 2024

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 May 2024

Appeal A Ref: APP/X5210/W/23/3331072

Gloucester Lodge, 12 Gloucester Gate and 12 & 13 Gloucester Gate Mews, London NW1 4HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Namaki against the Council of the London Borough of Camden.
 - The application Ref is 2023/1742/P.
 - The development proposed is erection of glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works.
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Appeal B Ref: APP/X5210/Y/23/3331076

Gloucester Lodge, 12 Gloucester Gate and 12 & 13 Gloucester Gate Mews, London NW1 4HG

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr M Namaki against the Council of the London Borough of Camden.
 - The application Ref is 2023/2290/L.
 - The works proposed are erection of glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works.
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Appeal C Ref: APP/X5210/W/23/3334880

Gloucester Lodge, 12 Gloucester Gate and 12 & 13 Gloucester Gate Mews, London NW1 4HG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr M Namaki against the Council of the London Borough of Camden.
 - The application Ref is 2023/2155/P.
 - The development proposed is external alterations including extension of lift (approved by application refs: 2020/0441/P and 2020/0427/L) to basement and corresponding minor increase in size of basement, 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.
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**Appeal D Ref: APP/X5210/Y/23/3334881
Gloucester Lodge, 12 Gloucester Gate and 12 & 13 Gloucester Gate Mews,
London NW1 4HG**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr M Namaki against the Council of the London Borough of Camden.
 - The application Ref is 2023/2324/L.
 - The works proposed are external and internal alterations including extension of lift (approved by application refs: 2020/0441/P and 2020/0427/L) to basement, replacement of fixed glazing / swing door 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, internal works including amendment to the layout of south wing at ground floor; internal amendments to first floor; and relocation of first to second floor secondary staircase.
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Decision – Appeal A

1. The appeal is allowed, and planning permission is granted for erection of glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works at Gloucester Lodge, 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews, London NW1 4HG in accordance with the terms of the application, Ref 2023/1742/P, subject to the conditions in the attached schedule.

Decision – Appeal B

2. The appeal is allowed, and listed building consent is granted for erection of glazed link connecting 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews and associated works at Gloucester Lodge, 12 Gloucester Gate and 12 and 13 Gloucester Gate Mews, London NW1 4HG in accordance with the terms of the application Ref 2023/2290/L and the plans submitted with it subject to the conditions in the attached schedule.

Decision – Appeal C

3. The appeal is dismissed.

Decision – Appeal D

4. The appeal is dismissed.

Preliminary Matters

5. Appeals A and B relate to the link extension. Appeal A is for the planning permission and Appeal B is for the listed building consent. Appeals C and D are for various internal and external alterations. Appeal C is for the planning permission and Appeal D is for the listed building consent. The appeals for both proposals were submitted at a similar time and relate to the same building. I have considered each proposal on its individual merits. However, to avoid

duplication I have dealt with the two schemes together, except where otherwise indicated.

6. An updated version of the National Planning Policy Framework (Framework) was published on 19 December 2023. Its content is largely unchanged in relation to the main issues of this appeal, so I have not sought the views of the main parties on this matter.
7. Amended plans for Appeals A and B were submitted before the hearing. These make modest revisions to the proposal in response to the Council's concern about overheating. At the hearing the Council confirmed that it is content for me to determine these appeals with reference to the revised plans and I consider that no party would be prejudiced by my doing so. Accordingly, I have determined these appeals on this basis.
8. Following the submission of these plans and prior to the hearing the Council confirmed that it no longer objected to the proposal in relation to overheating and resilience to climate change. Based on my own assessment of this matter I see no reason to disagree. As such this matter has not formed a main issue of the appeal.

Main Issues

9. The main issues for all the appeals are the effect of the proposals upon the significance of the grade 1 listed building known as Gloucester Lodge (Number 12) Gloucester House (Number 14) and attached boundary wall¹, and whether they would preserve or enhance the character or appearance of the Regent's Park Conservation Area.

Reasons

10. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) require the decision maker to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Additionally, Section 72 of the LBCA requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Significance

11. The appeal building is one half of a grade 1 listed building that was built in the 1820s as a single dwelling to the designs of James Burton. An occupant for the original building could not be found, so it was altered and divided into two dwellings in 1836. Further significant phases of work were carried out to the appeal building in the 1930s and 1990s. The original Burton façade with its fine pediment and columns is of considerable aesthetic interest.
12. The rear façade of the building is plainer. The Council suggests it is of equal importance to the front façade. The rear has however seen much more change, including significant alteration in the 1990s, and it certainly did not receive the same level of attention when originally built as the elaborate public face of the building. It was not designed to be appreciated from a public place, or across

¹ List Entry Number: 1078323

extensive grounds and in this respect differs considerably from the building's front face and is reflected in its straightforward appearance.

13. A small rear garden separates the rear elevation from a mews building. This is a modest structure that has been altered considerably, and permission exists to reface its inner elevation. The rear of the building and the mews building are of less aesthetic interest. However, the hierarchy of the spaces - ranging from the highly formal front face of the building to the more modest rear elevation and then the functional appearance of the Mews building - are still of significance, as they are characteristics that contribute to the authenticity of the building and are illustrative of how a fine house such as this would have functioned.
14. Internally, the appeal building retains elements of original fabric in the form of primary structure associated with its original design and its subsequent division into two dwellings. Historic England suggest that rarity of the survival of its internal features when compared with other Nash period properties around the park contributes to its significance. The appellant suggests however that although well executed and thought through much of the building's interior details are from the 20th century. I note that in the 1930s the building received a substantial internal remodelling in the Art Deco style, but little evidence of this remains today owing to further extensive work that was carried out in the 1990s. The significance of its interior is therefore primarily limited to the overall division of spaces and layout, as well as historic fabric that survived 20th century interventions such as the staircases.
15. The appeal building stands within the Regent's Park Conservation Area (RPCA). The Regent's Park Conservation Area Appraisal and Management Strategy 2011 (Appraisal) refers to the area as a unique planned composition of landscape and buildings. It also states that development closest to the Park - and facing onto it - is of the highest architectural hierarchy. Tall stuccoed façades face the park, creating a grand linear composition and giving enclosure to the open space. The appeal building is referred to in the appraisal as a building that skilfully brings the giant scale of the terraces down to the height of the residential area of the Park Village. It is therefore a building that makes a very substantial contribution to the character and appearance of the RPCA.

Appeals A and B

16. The proposal would see a substantial glazed link structure erected between the rear of the dwelling and the mews building. Connection would be made at two levels. The lower level would be partly below the external level of the adjacent garden. An internal walkway would connect the ground floor of the house with the first floor of the mews.
17. Evidence before me shows that previous glazed structures existed within the garden, including what would appear to be a substantial building attached to the rear of the mews. Additionally, the rear of the south wing of the dwelling looks to have previously been glazed. Thus, a clear precedent for substantial glazed buildings exists in this area. There was also a link building that connected the dwelling to the mews that was in place from the 1950s until the 1990s alterations.

18. The proposed extension would not pretend to be historic or feature any ornamentation to elevate its status or confuse its identity. Unlike the building that previously existed on the back of the mews the extension would not be prominent to view from the dwelling's principal rooms and would not therefore draw the eye from its interior or detract from their formality. At the hearing the appellant referred to the proposal as both striking and silent. I can agree that it would be striking insofar as it would be a sizeable high quality building that would utilise an unusual form and construction type; and that it would also be appropriately silent owing to its simplicity, lack of decoration and neat location along the boundary.
19. Its fluid form would relate well to the garden and would be distinct from the two buildings to which it would connect. Its glazing would provide some transparency and thus allow views of the ends of the two buildings, sufficient for the traditional separation between the villa and mews to still be easily appreciated, aided by its contrasting materiality. I accept that its form is without precedent and would be quite different from the orthogonal planning of the host building and those adjacent. This would however allow it to read as a stand alone element that would provide an interesting contrast to the more traditional forms that would surround it, in an area that is well contained and where its visual impact would be limited and inoffensive.
20. The extent of the rear of the mews that would be covered by the extension would be modest. Its rear façade would still be prominent to view from the rear of the dwelling and its garden, thus continuing to define the external area and provide a clear understanding of the relationship between each component.
21. The proposed ground level doors at the back of the dwelling would replace a window opening that is 1990s in date. Therefore, the proposed doors would not result in the loss of historic fabric. The proposed glazing would match the width of the window above and would not appear out of place on the garden facing elevation. I accept that it would be unusual to find a first floor door on the rear of a mews; a raised access that could have served as a hayloft door would not make sense on the building's inward face. However, this face of the building has limited historic significance and permission exists for it to be re-faced. The opening would be contained within the extension and read as a functional and logical part of the walkway.
22. In terms of the wider impact, the existing rear garden is well contained. There would be a view of the rear elevation of the extension from the neighbouring building to the south. From this direction the most direct view would be from the rearward wing, which would appear to be an ancillary part of the adjacent terrace and would be unlikely to have been designed to capture an important outlook. Beyond this it would not be possible to see the extension as it would be lower than the rearward projection of the neighbouring building. It would be contained from views at the rear by the mews.
23. The parties are not clear on the extent of visibility between the two buildings to the north, when looking back from the road. At my visit I saw that this gap is narrow and occupied by significant vegetation. I consider it highly unlikely for the structure to be seen from here. Even if it could be glimpsed it would be set well back and discreet. Its visual impact would be so minor it could not be

considered to harm the character or appearance of the RPCA or the setting of any nearby listed buildings.

24. In summary, the proposal would not harm the significance of the listed building and would preserve the character and appearance of the RPCA. It would accord with the requirements of the LBCA and Paragraph 205 of the Framework which states that great weight should be given to the conservation of a heritage asset. It would also accord with Policies D1 and D2 of the Camden Local Plan 2017, which together seek to ensure that development proposals are of a high quality of design that respects local context, character and preserves or enhances the historic environment.

Appeals C and D

25. This proposal is for a significant number of interventions throughout the building. These include the relocation of an internal first floor door opening and the secondary staircase between the first and second floors.
26. The relocation of the door would incur the loss of fabric and an alteration to the plan form of an original part of the building. I accept that the extent of change would be modest, that the division of space would not be altered by the change, and that it is common for doorways to align. Nevertheless, this intervention must result in some harm, given that it relates to an element of primary original structure that contributes to the building's significance.
27. Furthermore, the area of wall that would be affected is thicker than other lengths of internal load bearing walls. It is not clear why this is the case; the appellant's suggestion of structural reasons is not convincing, given that the wall narrows in thickness alongside the stairs, and yet the loading here is likely to be similar. The 1990s plan expresses this as a chimney breast. The uncertainty over the construction of this thicker area of wall is a further matter that weighs against the proposal.
28. The existing stair that provides access to the second floor could be original to the building given its position adjacent to the spine wall, although is more likely to date from the 1830s when the building was divided into two dwellings. It is nevertheless agreed to be early internal fabric that contributes to the building's significance, particularly as so many of the building's early 19th century fittings have been lost. A small section of the stair is missing its spindles, but it is otherwise complete.
29. The proposal would see the stair reconstructed in the same orientation and close to its existing position. This would be less harmful than relocating it to the degree previously proposed and its general relationship to the adjacent rooms and main stair would remain. However, a modest degree of harm would still arise from moving it from its historic position owing to the impact this would have on the authenticity of the building and its historic plan form.
30. Third party submissions compare the proposal to the relocation of the stair at a property that is quite different to the appeal building. In this case the relocated stair facilitated much more significant benefits to the building and is not therefore comparable to the proposal before me.

31. The Council also has some concern about the division of the principal rear room. At the hearing it was confirmed that these partitions would be glazed screens that would not be full height and would therefore retain the proportions of the room. I am satisfied that this approach could be acceptable, subject to the provision of additional information that could be secured by condition if the appeals are allowed.
32. The level of harm arising from both interventions would be modest. In terms of the Framework the harms would be less than substantial but would nevertheless be of considerable importance and weight. Paragraph 208 of the Framework establishes that any harm should be weighed against the public benefits of the proposal.
33. The proposal would alter the layout of the dwelling for the benefit of its current occupants. In broader terms it is suggested that the changes would make the layout more appropriate and convenient and that it is important that its functionality as a family home is maintained in the face of evolving expectations. It is suggested that the better adapted a building is to meet contemporary needs the more likely it will be well maintained.
34. The proposed relocation of the stair would provide a very large single bedroom suite. The 1990s plans show that the first floor previously provided four large bedrooms, whereas the plans before me would leave it with just two. I cannot agree that this would improve the functionality of the building.
35. Moving the door position between the two front rooms would also have no meaningful impact on the functionality of the building. I cannot therefore agree that either intervention would be anything more than a private benefit to its current occupants.
36. In summary, the proposal would fail to meet the requirements of the LBCA as it would harm the special interest of the listed building. It would also fail to accord with Policies D1 and D2 of the Camden Local Plan 2017, which together seek to ensure that development proposals preserve or enhance the historic environment.

Conditions – Appeals A and B

37. I have had regard to the conditions included within the Statement of Common Ground (SOCG). I have considered these against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed condition 2 for the planning permission to specify the approved plans, to give certainty.
38. Conditions 3 and 4 for the planning permission and conditions 2 and 3 of the listed building consent are necessary to safeguard the special interest of the listed building.
39. Condition 5 for the planning permission is necessary to ensure that the suggested measures to avoid overheating are agreed and implemented. At the hearing the appellant expressed a preference to leave this condition more open, so that it would be possible to agree alternative measures. However, I consider it reasonable to tie the condition to the submitted details as they provide measures that would satisfy the requirement to avoid overheating, and they correspond with the approved plans.

Conclusion

40. For the reasons given Appeals A and B should be allowed, and Appeals C and D should be dismissed.

A Tucker

INSPECTOR

Schedule of Conditions – Appeal A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing: PG0010 Rev 01, GL-MAK-XX-LG-DR-AR-PG0999 Rev 01, GL-MAK-XX-00-DR-AR-PG1000 Rev 01, GL-MAK-XX-01-DR-AR-PG1001 Rev 01, GL-MAK-XX-ZZ-DR-AR-PG1201 Rev 01, GL-MAK-XX-ZZ-DR-AR-PG1202 Rev 01, GL-MAK-XX-ZZ-DR-AR-PG1204 Rev 01, and GL-MAK-XX-ZZ-DR-AR-PG1205 Rev 01.

Demolition: GL-MAK-XX-ZZ-DR-AR-PJ1704 and GL-MAK-XX-ZZ-DR-AR-PJ1705.

Proposed: GL-MAK-XX-B1-DR-AR-PJ2998, GL-MAK-XX-LG-DR-AR-PJ2999 Rev No. 01, GL-MAK-XX-00-DR-AR-PJ3000, GL-MAK-XX-00-DR-AR-PJ3000A, GL-MAK-XX-01-DR-AR-PJ3001, GL-MAK-XX-02-DR-AR-PJ3002, GL-MAK-XX-03-DR-AR-PJ3003, GL-MAK-XX-ZZ-DR-AR-PJ3100, GL-MAK-XX-ZZ-DR-AR-PJ3101, GL-MAK-XX-ZZ-DR-AR-PJ3200, GL-MAK-XX-ZZ-DR-AR-PJ3201 Rev No. 01, GL-MAK-XX-ZZ-DR-AR-PJ3202, GL-MAK-XX-ZZ-DR-AR-PJ3203, GL-MAK-XX-ZZ-DR-AR-PJ3204 Rev No. 01, GL-MAK-XX-ZZ-DR-AR-PJ3205, and PGL-MAK-XX-ZZ-DR-AR-PJ3206.
- 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 be carried out in complete accordance with the details thus approved.
- 4) No lights, meter boxes, flues, vents or pipes, telecommunications equipment, alarm boxes, television ariels, satellite dishes or rooftop

'mansafe' rails shall be fixed or installed on the external face of the buildings.

- 5) Full details of the measures to avoid overheating as set out in the XC02 report (covering letter from HGH Consulting dated 15.04.24) shall be submitted to and approved in writing by the Local Planning Authority. Such measures as agreed shall be completed before the development is first brought into use and shall remain in place and in working order for the lifetime of the development.

Schedule of Conditions – Appeal B

- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) 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 be carried out in complete accordance with the details thus approved.

- 3) 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.

Appearances

FOR THE APPELLANTS:

Roger Hepher BA MTP BA MTP FRICS MRTPI FRSA AAoU

Executive Director, Hgh Consulting

Ken Shuttleworth DipArch (DIST), ARB, RIBA, Hon FRIAS, HonDDes (DMU), Hon DDes (UEL), HonDLit (UoN), HonDSc (UoW)

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Daniel Cummins MA (Oxon), MSc, PhD, IBC

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Mr M Namaki

Appellant

FOR THE COUNCIL:

David Peres da Costa BSocSc (Hones) MA Planning Policy and Practice

Principal Planning Officer, London Borough of Camden

Catherine Bond BA (Hons) BArch (Hons) MTP GradDipConsAA IHBC

Principal Conservation Officer, London Borough of Camden

Documents Submitted

- 1) No documents were submitted during the hearing.
- 2) After the hearing a further set of the most recent plans was submitted at the Inspector's request, to include a revision number.