



## Appeal Decisions

Site visit made on 16 February 2015

**by Anthony J Wharton BArch RIBA RIAS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 16 March 2015**

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### **Appeal A – Ref: APP/X5210/A/2218664**

#### **Wildwood Lodge, 9 North End, London NW3 7HH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission under section 73 of the Act for the variation of a condition subject to which a previous planning permission was granted.
  - The appeal is made by Mr A Dodi against the decision of the London Borough of Camden.
  - The application, Ref 2013/7662/P, dated 28 November 2013 was refused by notice dated 14 April 2014.
  - The original application (Ref 2010/4934/P) sought planning permission for the erection of a replacement garage with rear courtyard and lightwell, and excavation of additional basement level to provide a swimming pool and ancillary plant, as an amendment to planning permission dated 7 November 2006 (Ref 2006/3956/P) for various extensions and alterations
  - The condition for which a variation is sought is No 7 which states that:  
'7. The development hereby permitted shall be carried out in accordance with the following approved plans – 025/A/100 – 0119, 0130, 0131A, 0132A, 0133B, 0134A, 0135A, 0136B, 0140B, 0141B, 0142B, 0143B, 0144, 0001, 0004, 0005, 0006, 0007, 0008, 0009, 0201, 0220, 0221b, 0222A, 0223, 0224A, 0226, 0227, 0228, 0229A; Ground Investigation at 9 North End –letter by Ground Engineering dated 24.1.2008; Structural Appraisal by TWA (GB/8250-Version1.0 dated 19 May 2011); Construction Management Plan (draft) for application ref 2010/4924/P (received 25.5.11).
  - The reason given for the condition was 'For the avoidance of doubt and in the interest of proper planning'.
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### **Appeal B - Ref: APP/X5210/E/14/2218666**

#### **Wildwood Lodge, 9 North End, London NW3 7HH**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr A Dodi against the decision of the London Borough of Camden.
  - The application Ref 2013/7664/L dated 28 November 2013 was refused by notice dated 14 April 2014.
  - The works proposed are: Excavation of rear extension to approved basement under existing house, and replacement of approved staircase on west side of house by terrace and rooflight, as a variation to the listed building consent granted 18 July 2011 (ref 2010/4930/L) (for renewal of listed building consent (ref 2007/2896/L) granted on 1 October 2007 for the erection of a replacement garage with rear courtyard and lightwell and excavation of additional basement level to provide a swimming pool and ancillary plant, as an amendment to the listed building consent dated 7 November 2006 (Ref 2006/3957/L for demolition of one and two storey rear extensions, side garage and side conservatory and erection of replacement two storey plus basement rear extension with pitched roof, one storey rear kitchen extension, single storey west side extension and single storey east side conservatory extension, plus associated external and internal alterations and alterations to front boundary wall.
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**Appeal C - Ref: APP/X5210/F/14/2219118**  
**Wildwood Lodge, 9 North End, London NW3 7HH**

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Mr A Dodi against the decision of the London Borough of Camden.
  - The Council's reference is EN14/0038
  - The notice was issued on 15 May 2014.
  - The contravention of listed building control alleged in the notice is: excavation of additional basement accommodation, plus an external staircase and opening to rear garden as a rear extension to the existing and approved basements under the house.
  - The requirements of the notice are as follows:
    - 1) the works to be carried out fully in accordance with the approved basement plan as granted under planning permission and listed building consent on 31.10.12 (refs 2012/4611/P & 2012/4615/L (Drawing No 025/A/P/B1/D200)); and
    - 2) the extended basement area and the external staircase void to be infilled with earth and brick retaining walls.
  - The period for compliance with the requirements is 2 months.
  - The appeal is made on grounds (b), (c) and (e) as set out in section 39(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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**Appeal D - Ref: APP/X5210/C/14 2219114**  
**Wildwood Lodge, 9 North End, London NW3 7HH**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr A Dodi against the decision of the London Borough of Camden.
- The Council's reference is EN14/0038.
- The notice was issued on 19 May 2014.
- The breach of planning control as alleged in the notice is: excavation of additional basement accommodation, plus an external staircase and opening to rear garden as a rear extension to the existing and approved basements under the house.
- The requirements of the notice are as follows:
  - 1) the works to be carried out fully in accordance with the approved basement plan as granted under planning permission and listed building consent on 31.10.12 (refs 2012/4611/P & 2012/4615/L (Drawing No 025/A/P/B1/D200)); and
  - 2) the extended basement area and the external staircase void to be infilled with earth and brick retaining walls.
- The period for compliance with the requirements is 2 months
- The appeal is proceeding on grounds (a); (b) and (c) as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.

**Costs Application:** An application for a partial award of costs has been made by Mr A Dodi against the London Borough of Camden. This is the subject of a separate decision.

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**Decisions**

1. All four appeals, A, B, C and D, are allowed (see formal decisions below).

**Procedural points and matters of clarification**

2. In Appeal A, set out above, it is clear that the Appellant wishes to vary condition No 7 by adding drawings which reflect the additional basement excavation works and the now proposed scheme for the basement area. These drawings and other information are confirmed as follows: site location plan; D216A; D217A; D200C; D201B; D205C; D208B; D210B; D214B; D215B; Design and Access Statement by Canaway Fleming Architects dated November 2013 ref 025-A-RP-10-006;

Commentary opinion on Planning and Heritage case by Museum of London Archaeology (MOLA) dated 20.11.13; Design Construction Statement (DCS) addendum by TWA dated 2.10.13 ref GB/8250- Version 2. These drawing references are set out in the Council's Planning Refusal Notice. However, if the appeal is successful any drawings not related to the new proposals (and the as built scheme) must remain in place as part of the original approval since the variation in works only relate to the basement.

3. In Appeal B, Listed Building Consent (LBC) was sought for the works to be carried out in accordance with the same drawings as for the planning application relating to Appeal A. The Council also set out the above list of drawings in the LBC Refusal Notice. The application also referred to the replacement of an approved staircase on the west side of house by a terrace and rooflight and the Council does not object to this part of the proposals.

4. In Appeals C (Listed Building Enforcement Notice –LBEN) and D (Planning Enforcement Notice –PEN), the allegations in the notices both refer to the excavation of additional basement accommodation, plus an external staircase and opening to rear garden as a rear extension. However, at the time of my site visit, only the additional basement works were in place and it is clear that, although shown on previously approved drawings, there is now no intention to proceed with the staircase and the opening to the rear garden. I deal with these matters below under the legal grounds of appeal for both notices.

5. The Council has acknowledged that when the LBEN and the PEN were issued, it was not clear whether a doorway and external staircase shown on the plans for applications 2013/7662/P and 2013/7664/L had been completed. Officers did not know the situation on site at the time the notices were issued, although there was an earlier photograph indicating that the works had definitely been carried out. The Council's statement simply refers to this being clarified during my site visit and at that time it was clear that these works had not been carried out. However, from the above photograph it is evident that some weeks prior to the issuing of the notices, some excavation had taken place. The evidence gathered by the Council, during a site visit, indicated that works to the external staircase and door had commenced. The existing lintel and blocking up of what appears to have been an opening seems to corroborate the Council's findings prior to the notices being issued.

### **Background information**

6. Wildwood Lodge was listed in Grade II in 1974 along with separate listings for its garden wall and gateway and a former coach house. The Lodge itself is described in the listing as a: '*Cottage ornee. Mid C19. Stucco with slated gable roof with carved bargeboards and bracketed eaves cornice. 2 Storeys. Irregular gabled frontage with 3 windows. Gothick style. Doorway with bracketed hood and half glazed door. Casement windows with mullions and labels. C20 rear extensions*'. The interior was not inspected at the time of listing but there was clearly a small, two-roomed, cellar area under the central part of the house. The site lies within the Hampstead Conservation Area and, despite the considerable alterations carried out to the listed building it can still be identified from its list description.

7. Over the years the C20 rear extensions have been demolished and the latest extensive alteration and extension works have been commenced. There is a detailed and agreed planning history which is set out by both the Council and the Appellant in their appeal statements. The most relevant of the approvals and consents dates back firstly to 2007 (2007/2895/P). This granted approval for, amongst other

things, the new basement works and was renewed (under ref 2010/4924/P). This scheme retained the original centrally positioned cellar and the new works were positioned on either side, underneath the newly permitted extension works above.

8. The second relevant approval was granted under ref 2012/4611/P and this included extensions to the basement swimming pool and linking the swimming pool (by breaking through the cellar wall) to the original basement area, thereby opening up the original wall. A corridor, along the back of the original basement wall, linked the swimming pool with a media room. The rest of the original basement was then shown as being split into three small service rooms with a staircase being retained up to the ground floor.

9. The next relevant approval (2012/3289/P) related to the discharging of condition 8 of the renewed approval (2010/4924P). This had indicated that '*No construction shall take place until detailed design and method statements for all foundations, basements and ground floor structures and any other structures proposed below ground level (including piling), have been submitted to and approved by the Council*'. These underpinning works were then carried out.

10. The underpinning works were positioned below the walls of the original house but the cellar works only took up a small area below the main house. The approved basement plan only covered this small original area and the underpinning structure lay outside of this area. If the approved plans had been followed, this underpinning structure would have been positioned in solid ground with unexcavated earth between the underpinning and the rest of the basement. However, this ground has been excavated and blockwork walls have been constructed to the inside of the underpinning (as shown on proposed drawings and as inspected during my site visit).

11. The plan form of the basement area now extends up to the blockwork walls which, in turn, follow the line of the underpinning. This has extended the new basement area outside of the original cellar walls and created open space where there would have been solid ground. It is these spaces which are the subject of the planning and listed building consent appeals and which are also the subject of the LBEN and the PEN. The appeals are, therefore inextricably linked, in that the physical works as carried out are the same (in relation to the basement excavations/extension) that are being enforced against.

12. In considering whether to grant planning permission and listed building consent, and in accordance with sections 66(1) and 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have had special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest. I have also paid special attention to Section 72 of the same act which relates to the desirability of preserving or enhancing the character or appearance of the conservation area.

13. The most relevant development plan policies comprise the Council's Core Strategy policies CS5 (Managing the impact of growth and development) and CS14 (Promoting high quality places and conserving our heritage); the LDF DP policies DP24 (Securing high quality design) and DP25 (Conserving Camden's Heritage) and DP27 (Basements and Lightwells). Camden Planning Guidance Design CPG 201; the Hampstead Conservation Area Statement and The London Plan are also relevant.

14. I have considered the significance of the listed building and the relevant policies of the National Planning Policy Framework (NPPF). In particular I have considered those policies relating to conserving and enhancing the historic environment and the

fact that the NPPF sets out a presumption in favour of sustainable development. I have also taken into account relevant Planning Practice Guidance and the extant guidance in PPS5.

15. In terms of the planning and listed building aspects and the merits of the cases, the main issues are the same. I shall deal, therefore, with Appeal A; Appeal B; the ground (e) in Appeal C and the ground (a) in Appeal D together, in considering whether or not planning permission and listed building consent should be granted for the basement works as carried out. I will also deal with the proposed removal of the staircase and the rooflight in relation to Appeals A and B. However, it is appropriate to deal first with the legal grounds of appeal in relation to the LBEN (Appeal C) and the PEN (Appeal D).

### **Appeal C on ground (b)**

16. To be successful on this ground of appeal the onus is on the Appellant to conclusively show that the matters alleged to have taken place in the notice have not occurred as a matter of fact. Clearly the additional basement has been excavated and I was able to inspect the extended area during my site visit. As a matter of fact these works have been carried out and the appeal on ground (b) must fail in relation to this part of the allegation.

17. With regard to the new rear opening with staircase to the garden, it is evident that this related to the withdrawn application and it is clearly not shown on the current proposed drawings referred to above. However, the submitted photograph shows a lintel and doorway blocked up and clearly this must relate to what the Council Officer noted prior to the notice being issued. The Officer's photograph clearly shows the opening, the lintel and the staircase opening from the outside. In fact, it is not disputed that there was initially an intention to build the staircase up to the rear garden area. The question in this case is whether or not the opening and excavation for the staircase were likely to have been in place when the notice was issued on 15 May 2014.

18. From all of the evidence, including the fact that the Council is unsure about the situation at that time, it is not clear to me what the exact the situation was at the time the notices were issued. The Appellant has not conclusively shown that the works had not taken place. Their submitted photograph does not have a clear date, as to when it was taken, and some works were clearly carried out as indicated by the Council's photograph. Also there would have been no need to build up the opening under the lintel if the works had not been carried out.

19. On the balance of probabilities it seems to me that what was alleged in the notice had occurred at some time. Even if it was not in place on 15 May 2014, some works which did not accord with the permitted scheme had been carried out. In any case, even if this part of the appeal were to partially succeed on ground (b), it would not result in a complete success under this ground and would not negate the LBEN. In situations such as this it would normally be the case that the notice would be corrected and varied, by omitting reference to the staircase and varying the requirement relating to its removal. For the reasons set out above, therefore, Appeal C fails on ground (b).

### **Appeal C on ground (c)**

20. There is no dispute that works to the listed building have been carried out. This includes the building up of the opening, which was originally meant to lead to the garden staircase, and the excavation and building works to form the proposed new

extended basement. Irrespective of whether or not the works have a positive or negative effect on the listed building they have, in my view, affected its character and the significance of the original plan form. There is no listed building consent in place for the excavations; for the formation of and subsequent building up of the staircase opening and for the blockwork walling which now lies inside of the underpinning structure. Therefore, a contravention of listed building control has occurred. Appeal C must also fail, therefore, on ground (c).

#### **Appeal D on ground (b)**

21. For the same reasons, as set out in paragraphs 16 to 19 above, this appeal on ground (b) also fails. Again, even if this part of the appeal were to partially succeed on ground (b), it would not result in a complete success under this ground and would not negate the PEN. As indicated above, in situations such as this, it would normally be the case that the notice was corrected and varied, by omitting reference to the staircase and varying the requirement relating to its removal.

#### **Appeal D on ground (c)**

22. To be successful on this ground it must be shown that a breach of planning control has not occurred. It is argued on behalf of the Appellant that the works relating to additional excavation and extension of the basement area constitute permitted development under Class A of the GPDO. It is contended that the works concern the '*enlargement, improvement or alteration to a dwelling house*'. I have taken into account all of the arguments set out in paragraphs 20 to 26 of the statement dated submitted on 19 June 2014, as well as the earlier references to these works being permitted development by virtue of Class A to Part 1 of the 2008 Order. I also agree with the point made on behalf of the Appellant that '*the extent of the excavation is best appreciated at the site visit*'.

23. However, following my site visit and having noted the extent of the excavations and the detailed drawings, it is my view that, as a matter of fact and degree, the excavation works constitute an engineering operation that falls within the definition of development as set out in Section 55(1) of the Act. This is because it involved the removal of significant volumes of earth which lay between the underpinning structure and what would have constituted the walls to the originally approved basement area. This earth would either have had to be transported away from the site or taken to another part of the site.

24. Whilst accepting that the works have resulted in the enlargement and alteration to the listed dwelling, there is nothing in the GPDO to indicate that such engineering operations can constitute permitted development. There is no permission in place for these works and I can only conclude, therefore, that in carrying out the development, there has been a clear breach of planning control. Appeal D also fails, therefore, on ground (c). I have noted the alternative contention that the works carried out have permission by virtue of the discharging of the condition No 8. However, this approval and the subsequent works only related to underpinning and not to the additional engineering works and the building of the blockwork walls.

#### **Appeal A, Appeal B, Appeal C on ground (e) and Appeal D on ground (a)**

25. I have noted that the Hampstead CAAC object to the proposed incremental extensions to the basement in what that they describe should be a '*green and rural enclave*'. However, the basement does not extend beyond the external wall of the underpinned walls of the dwelling and so there is no loss of garden space. The works are all below ground and the Council has not raised any objection to the minor

amendments to the western wing where the approved staircase has been replaced with a long rooflight and patio.

26. There appears to be no dispute, therefore, that the character and/or appearance of the conservation area would not be detrimentally affected by the works as carried out to the basement and as proposed to the western wing. In the overall situation, and on the basis that the underground works cannot be readily seen from any viewpoint within the conservation area, I can see no reason to disagree with the Council. Having paid special attention to Section 72 of the PLBCAA, I am satisfied that the character and appearance of the Hampstead Conservation Area would be preserved by what is now proposed. For the same reasons I do not consider that the significance of the setting of the listed building would be affected in any way.

### **Main issue**

27. The main issues in all of these Appeals, therefore, is the effect of works on the character and integrity of the listed building, with particular reference to its original plan form and the subsequent effect on its features of special architectural and historic interest.

### **Reasons**

28. The Council indicates that the original house was a relatively humble rustic home with a modest element of cellarage. It is contended that any further extension of the basement area, below the original house, is inappropriate to its historic plan form in terms of its special hierarchy. It is further contended that Listed Building Consent should not be granted for a full-size basement underneath the building, regardless of whether it has been implemented or not. The fact that the backfilling of the unauthorised basement would not reinstate any of the lost historic fabric is not considered to be relevant.

29. The Council indicates that the specific argument in this case relates to the original layout of the listed building and that the addition of the large basement spaces detrimentally alters the spatial hierarchy of the building, thereby seriously harming the special interest of the listed building. It is considered that the basement works are excessive in floor space, volume and footprint and that the special interests of the building in terms of proportions, plan form and layout are significantly harmed by the works. The Council considers that the basement area should be reinstated to its original proportions and that the unauthorised excavations should be filled in with earth and held back by retaining walls to prevent the spaces from being brought back into use at a later date.

30. On behalf of the Appellant, the MOLA Report concludes that the original form of the sub-ground element of the listed building has already been substantially altered by the approved schemes and that much of the original fabric at this level has been lost due to the approvals and consents already granted by the Council. It is stressed that the Council had not previously identified the basement area as a crucial element in the conservation of the building and had issued the previous consents. It is accepted that the significance of the building overall is high but that the sub-ground elements have been diminished due to the previous permissions. Because of these works it is considered that their significance is rated as low.

31. It is further stressed that the works as carried out represent minor alterations to the extent of the basement spaces over and above the approved and mainly implemented schemes. It is contended, therefore, that the removal of further fragments of sub-ground heritage fabric would not result in a diminution of the

significance of the historic asset of Wildwood Lodge. It is considered that the works are not contrary to local plan or national policies relating to the conservation and enhancement of the historic environment.

32. Having inspected the basement works and having studied the full planning history, I can, to a certain extent, understand the Council's concerns about the further enlarging of the space below the original house. Clearly the original cellarage area was much smaller and comprised just two small rooms. The initial approval for basement works (2007/2895/P) retained these, more or less as built. However, the 2012/4611/P approval made fundamental changes. The first was to allow a link, through the original historic cellar wall, to the swimming pool. The second allowed the two cellar rooms to be divided into three service rooms. The corridor which linked the new basement areas must have also affected the original historic fabric to the former cellarage space.

33. Another significant approval allowed the underpinning structure in order to support the walls to the original house. Although this, in itself, did not disturb any further historic fabric it necessitated the digging out of earth or soil behind the remaining cellarage walls to this side of the building. Overall, therefore, I agree with the findings of the MOLA Report that the significance of sub-ground fabric to the building has already been significantly lost.

34. Any appreciation or perception of the original basement plan form and the proportions of the cellarage area have, in my view long since been lost. Even before the additional excavations were carried out, the corridor along the rear wall; the splitting of the original spaces into three service rooms and the physical linkage to the swimming pool area, would all have resulted in a perception of a completely new underground area beneath the original house.

35. The question remaining, therefore, is whether or not the proposed works (the unauthorised works) have caused significant harm to the integrity of the building and to its remaining architecturally and historically interest features. Clearly the works have changed the perception of the underground space in the middle of the house. However, I do not consider that these works have caused any significant detriment to the overall significance of the listed building.

36. Whilst acknowledging that it might have been desirable to retain the original cellar walls and that these underground elements were initially as significant as the rest of the listed building, the permissions and consents granted have radically altered the situation. The underpinning works had already taken development outside of the original cellar area. Having seen the situation both below ground and above and having studied the drawings, I do not agree with the Council that the basement works are excessive in floor space, volume and footprint or that the special interests of the building in terms of proportions, plan form and layout are significantly harmed by the works.

37. Despite the extensive incremental works allowed since 2007, overground, the building is still remarkably recognisable as a 'Romantic Cottage Ornee'. Underground, the central former cellarage area has been extended significantly. But whilst, accepting that the additional excavations and extensions are substantial, the additional basement works do not, in my view, detract further from the historic significance of the this part or any other part of the building.

38. Having had regard to Sections 16(2) and 66(1) of the PLBCAA, I consider that the listed building, its setting and its remaining architectural and historic features are all preserved and are not harmed by the basement works as carried out. It follows that I



also consider that the works carried out accord with both local and national policies (set out above) which seek to conserve and enhance the historic environment.

38. Appeals A and B, therefore, succeed; Appeal C succeeds on ground (e) and Appeal (d) succeeds on ground (a). Planning Permission and Listed Building consent will be granted and the LBEN and the PEN will be quashed.

### **Other Matters**

39. In reaching my conclusions in all of these appeals I have taken into account all of the other matters raised by the Council, the Hampstead CAAC and a nearby resident. With regard to the latter it may well be that 'movement' has exceeded what was initially envisaged. However all of the 'piling' and excavation works have been carried out and if any further excavation works are carried out they would be subject to further submissions. Having seen the appeals works, I do not consider that they will impact on the living conditions of adjacent or nearby residents. However if physical damage has been caused then this would be a civil, rather than a planning matter, and one which any complainant would have to take up with the Appellant.

40. With regard to the other matters raise by the Council I have taken into account all of their submissions. These include references to the full planning history of the site; the full details set out in their appeal statement dated 11 July 2014; all references to local and national planning policies; their comments on the Appellant's statement and grounds of appeal; the contents of the delegated report ( dated 24/01/14) and all of the appendices and reports submitted.

41. However, none of these carries sufficient weight to alter my conclusions on the main issue and the grounds of appeal relating to the LBEN and the PEN. Nor is any other matter of such significance to change my decisions that all four appeals should be allowed and that the LBEN and the PEN should be quashed.

### **Formal Decisions**

42. **Appeal A** is allowed and Planning Permission is granted in accordance with application (Ref 2010/4934/P) for the erection of a replacement garage with rear courtyard and lightwell, and excavation of additional basement level to provide a swimming pool and ancillary plant, at Wildwood Lodge, 9 North End London NW3 7HH, without complying with Condition No 7 of that permission, as drafted, but subject to all of the other conditions attached to that permission, so far as the same are still subsisting and capable of taking effect, and to a new condition 'No 7' to read as follows:

- '7. The development shall be carried out in accordance with the following Approved plans – 025/A/100 – 0119, 0130, 0131A, 0132A, 0133B, 0134A, 0135A, 0136B, 0140B, 0141B, 0142B, 0143B, 0144, 0001, 0004, 0005, 0006, 0007, 0008, 0009, 0201, 0220, 0221b, 0222A, 0223, 0224A, 0226, 0227, 0228, 0229A; Ground Investigation at 9 North End –letter by Ground Engineering dated 24.1.2008; Structural Appraisal by TWA (GB/8250-Version1.0 dated 19 May 2011); Construction Management Plan (draft) for Application ref 2010/4924/P (received 25.5.11):  
**Except** where they are superseded by the following Plan Nos and documents: site location plan; D216A; D217A; D200C; D201B; D205C; D208B; D210B; D214B; D215B; Design and Access Statement by Canaway Fleming Architects dated November 2013 ref 025-A-RP-10-006; Commentary opinion on Planning and Heritage case by Museum of London Archaeology (MOLA) dated 20.11.13; Design Construction Statement (DCS) addendum by TWA dated 2.10.13 ref GB/8250-Version 2.'

43. **Appeal B** is allowed and Listed Building Consent is granted for: Excavation of rear extension to approved basement under existing house, and replacement of approved staircase on west side of house by terrace and rooflight, as a variation to the listed building consent granted 18 July 2011 (ref 2010/4930/L) at Wildwood, 9 North End, London NW3 7HH, and subject to the following condition:

- '1. The works shall be carried out in accordance with the following drawings and documents: site location plan; D216A; D217A; D200C; D201B; D205C; D208B; D210B; D214B; D215B; Design and Access Statement by Canaway Fleming Architects dated November 2013 ref 025-A-RP-10-006; Commentary opinion on Planning and Heritage case by Museum of London Archaeology (MOLA) dated 20.11.13; Design Construction Statement (DCS) addendum by TWA dated 2.10.13 ref GB/8250-Version 2.'

44. **Appeal C** is allowed and I direct that the listed building enforcement notice be quashed. Listed Building Consent is granted for the retention of the works relating to the excavation and extension of the basement subject to the new condition No 7 set out in Appeal A above.

45. **Appeal D** is allowed and I direct that the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under s177(5) of the Act as amended, subject to the new condition No 7 set out in Appeal A above.

*Anthony J Wharton*

Inspector