



Appeal Decisions

Hearing held on 17 April 2019

Site visit made on 17 April 2019

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 June 2019

Appeal A - Appeal Ref: APP/X5210/W/18/3204334 Gloucester Gate Lodge, Outer Circle, London NW1 4HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr & Mrs Mansour Namaki against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/4111/P, dated 17 July 2017, was refused by notice dated 15 March 2018.
 - The application sought planning permission 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 without complying with a condition attached to planning permission Ref 2016/4549/P, dated 22 December 2016.
 - The condition in dispute is No 3 which states that: *'The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement prepared by Make dated August 2016; Daylight and Sunlight Report prepared by EB7 dated 5th August 2016; Planning statement prepared by Montague Evans dated August 2016; Heritage Statement prepared by Montague Evans dated August 2016; Basement Impact Assessment with Appendix A-J prepared by Technicker dated 12.08.2016; Outline Construction Management Plan prepared by Technicker dated 12.08.2016; Basement Impact Assessment - Addendum 01 & 02 prepared by Techniker dated 21.09.2016 & 04.10.2016; Arboricultural Impact Assessment prepared by Environmental Services dated 11th August 2016; Addendum To Arboricultural Impact Assessment prepared by Environmental Services dated 14th November 2016; PD2200 01; PD2201 02; PD2202 02; PD2203 01; PD2204 02; PD0010 01; PD0011 01; PD0999 01; PD1000 01; PD1000A 01; PD1001 01; PD1002 01; PD1003 01; PD1100 01; PD1101 01; PD1200 01; PD1201 01; PD1202 01; PD1203 01; PD1204 01; PD1205 01; PD1499 01; PD1500; PD1501; PD1502; PD1503; PD1601; PD1701; PD1703; PD1704; PD1999 05; PD2000 02; PD2000A 03; PD2002 02; PD2003 02; PD2100 01; PD2101 01; PD1998 03; PD2001 03; PD2205 06; PD391'.*
 - The reason given for the condition is: *'For the avoidance of doubt and in the interest of proper planning'.*
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Appeal B - Appeal Ref: APP/X5210/Y/18/3206252 Gloucester Gate Lodge, Outer Circle, London NW1 4HA

- 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 & Mrs Mansour Namaki against the decision of the Council of

the London Borough of Camden.

- The application Ref 2017/4133/L, dated 17 July 2017, was refused by notice dated 15 March 2018.
 - The works proposed are 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: insertion of lift to lightwell, 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; flush rooflight over new lift shaft; new rooflight to 2nd floor roof.
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Decisions

1. Appeal A is allowed and planning permission is granted 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 at Gloucester Gate Lodge, Outer Circle, London NW1 4HA in accordance with the application Ref 2017/4111/P, dated 17 July 2017, without compliance with condition number 3 previously imposed on planning permission 2016/4549/P dated 22 December 2016, subject to the further conditions in the attached schedule, and so far as relevant to those parts of the development hereby permitted:
 - 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.
2. The appeal is dismissed insofar as it relates to:
 - insertion of lift to lightwell;
 - works to utility room at lower ground floor level.

3. Appeal B is allowed insofar as it relates to the following parts of the works:

- 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.

4. Listed building consent is granted for these works at Gloucester Gate Lodge, Outer Circle, London NW1 4HA in accordance with the terms of the application, Ref 2017/4133/L, dated 17 July 2017, and the plans submitted with it, so far as relevant to those parts of the works hereby consented, and subject to the conditions in the attached schedule. The appeal is dismissed insofar as it relates to:

- insertion of lift to lightwell;
- works to utility room at lower ground floor level.

Preliminary Matters

5. A number of the works described within the applications are not considered by the Council to be contentious in terms of their impact on the listed building. I have no basis on which to take a different view, and so I have not considered these elements of the scheme further. In the interests of conciseness and clarity, I have dealt with both appeals together in my reasoning.

6. The plans that were submitted with the applications have formed the basis of my consideration of the appeals. However, the main parties agree that a further amendment was to be considered as part of the appeal, namely, the removal of the proposed courtyard doors at lower ground floor level and the retention of the existing window.

7. In view of these amendments, I have had regard to the 'Wheatcroft' principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity. In my view, the amendments would be minor, and would not materially alter the proposed development such that to grant it would result in a development substantially different from that previously consulted upon. As such, I find that there is no prejudice that would justify re-consultation. In these circumstances, I see no material conflict with the Wheatcroft principles. I note that the Council have no objections to the amendments, and I have taken the amended plans into consideration.

Main Issue

8. The Council objected to the appeal scheme in terms of whether or not it would make adequate provision for public and highway safety. In the light of this concern, the main parties have completed a deed of variation to the s106 agreement agreed as part of planning permission Ref 2016/4549/P. I received a copy of the signed document at the hearing. Whilst I will address this matter in more detail in my reasoning, I am satisfied that the Council's first reason for refusal has been resolved by this agreement.
9. Therefore, the remaining main issue is the effect of the proposal on the special interest of Gloucester Gate Lodge, a grade I listed building, and whether it would preserve or enhance the character or appearance of the Regent's Park Conservation Area.

Reasons

10. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires, when considering whether to grant listed building consent for any works to a listed building, that special regard be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
11. The National Planning Policy Framework (NPPF) directs that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
12. Planning permission and listed building consent were previously granted for works and development at the appeal site (Refs 2016/4549/P & 2016/455/L). At the hearing, the appellant explained that this scheme was somewhat rushed as they wished to secure the permissions prior to changes to the Council's policies on basement developments. The scheme before me therefore represents the alterations they would have previously wished to pursue.
13. The appeal site is listed grade I under the entry 'Gloucester Lodge (Number 12) Gloucester House (Number 14) and attached boundary wall'. Gloucester Lodge was originally constructed as a detached dwelling, designed by James Burton in 1827-1828. The front elevation is finished in stucco, and the design incorporates a striking central pediment with four Ionic columns supporting a large entablature. On either side of the imposing frontage are two lower side wings.
14. To the rear are two-storey mews buildings that are believed to date from the 1830s. These have been substantially altered internally, and consent has been obtained to demolish them, retaining the façade to Gloucester Gate Mews, which remains of significance.
15. In 1836, a scheme of internal internal works was carried out by JB Papworth to convert the villa into two semi-detached dwellings. The southern-most dwelling became Gloucester Lodge, which is the appeal site. At this time, an

additional south wing was added to accommodate a new dining room to the rear. The main entrance was also located to the original south wing.

16. There are no drawings of the original plan form, but plans from 1929 survive. During the 1930s, further works were carried out by architect Harold Currey. At this time, the interiors were substantially modelled in the Art Deco style by Robert Lutyens. Later works were undertaken during the mid to late 20th century, partially restoring lost Classical details and reinstating the plan form of the first floor. The lower ground floor housed the service quarters, reflecting the hierarchy of spaces that would be expected in a building of this status. The lower ground floor shows a similar sequence of alterations to those seen on the floors above.
17. Externally, the original form, dimensions and appearance of the main building and the mews remain largely apparent, and make a positive contribution to the Regent's Park Conservation Area. Internally, whilst the building has been much altered, the surviving fabric and plan forms, be they original or later, add to the special interest of the building and the understanding of how it has evolved over time. All these features contribute to the significance of the listed building.
18. Overall, it is clear that this is an impressive building of considerable architectural and historic importance, as is reflected in the high grade of its listing. This is accorded to only a small proportion of listed buildings, and demands a careful and exacting approach to the assessment of proposed works.

Proposed new lift

19. The 2016 scheme allowed a new lift to be located in an area adjacent to the existing staircase, within the original southern wing of the Burton villa. It is now proposed to construct the new lift in an existing lightwell in the later southern extension. Although the consented lift would be in an older part of the building, it would occupy a discreet location, replacing an existing dumb waiter. On the ground floor, the consented lift door would not be visible from the main entrance hall. The 2016 scheme would also retain part of the existing enclosure in the stair area on the ground floor.
20. With the lift in a different location, it is proposed to remove the two small enclosures next to the stair, and leave this area open. In the Council's view, it is unlikely that the stairs would have had a large landing. They consider that the enclosures are likely to represent the original form and layout of the area. It is certainly the case that these, or similar enclosures appear on the 1929 floor plan. That being the case, the proposal would result in the loss of plan form dating from at least the early 20th century phase of the building. As the original plans are no longer available, there is insufficient evidence to show that these works would result in the restoration of an earlier iteration of the floor plan.
21. 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.
22. At the lower ground floor level, sections of the vaults and brickwork would be affected in order to accommodate the base of the new lift. The Council are concerned that there is insufficient information to be certain of whether or not this impact would be harmful to the significance of the building.
 23. At the top of the lift shaft, a new flush rooflight would be installed, with an amendment to the parapet. The Council do not object to this, but wish to see details of the internal appearance of the new rooflight. Were the lift element to be found acceptable, I am satisfied that this matter could be dealt with by condition.
 24. The new lift would be larger than the previously consented one and would therefore make the building somewhat more inclusive and accessible. It would also be located in a later part of the building that is of less sensitivity than the original core structure. In terms of the external appearance, the appellant confirmed that it would be possible to design the outside of the lift doors to resemble the historic doors in the building. These factors would count in favour of the proposed relocation of the new lift.
 25. Conversely, although the consented lift would be in an older part of the building, it would be located more discreetly, and so would have a more limited visual impact on the interior. The enclosure in the stairs area would be retained, and the historic masonry on the first floor would be preserved, as would the areas in the basement that the Council have voiced concern over. Therefore, whilst I consider that the issue is finely balanced, taking the above factors into account, I conclude that the revised lift proposal would fail to preserve the character and appearance of the listed building, thereby harming its significance.

Lower ground floor

26. On the lower ground level, the appeal scheme would necessitate alterations in and around the part of the building referred to as the utility room. The presence of the service area on the lower ground floor, as noted above, is an important part of the architectural hierarchy of the listed building.
27. The morphological plans of the lower ground floor show that these areas form part of the Papworth extensions, or are of the later 19th century. The long, narrow area, with its low vaulted roof, very much retains the sense of a utilitarian, workaday space, and contrasts markedly with the finer rooms upstairs in the main body of the building. It has clear illustrative value as a physical document of the difference between upstairs and downstairs life in a fine Victorian house. It also offers tangible evidence of the layout and function of the household, and how it was used and experienced by its various occupants. The floorplan and historic fabric that remain in these rooms are therefore of importance to the special interest of the heritage asset. Therefore, despite the previous alterations that have occurred, I am unable to agree with the appellant's stance that this part of the building is of little, if any, historic significance.

28. The consented scheme allows a 1930s infill to be unblocked, creating a doorway to access new stairs down to the basement within the southern-most part of the building. The revised scheme would see the infill removed to form the doorway to the new lift. The new doorway to access the stairs would be formed in the side of the utility room. In addition, fabric would be removed from the end of this room, where there is now a window, to allow access to the new link structure.
29. The creation of two new doorways in this area would necessitate the loss of historic fabric. Also, the form of the room would change substantially, in that it would become a through corridor rather than an enclosed room. By introducing these additional means of circulation, the proposal would not respect the original function and layout of the space. These changes would harm the ability to understand the layout and previous domestic character of this room and would require clear justification.

The removal of intermediate structures at lower ground floor level

30. It is proposed to remove intermediate structures at lower ground floor level between the link building, which was allowing in 2016, and the main house. The 2016 scheme allowed a stair leading from the ground floor dining room to the level below and the formation of a garden storeroom between the location of the stair and the rear elevation of the main building. The store would be accessed from an external door. The appeal scheme would both remove the stair and leave open the garden store room area, so as to form a single volume with the link structure.
31. The Council are concerned that these changes would result in one interconnected space which would harm the significance of the listed building and lessen the appreciation of the domestic nature of this area. However, the removal of the awkward consented staircase would be of benefit to the character and appearance of the listed building, and alterations to the area to form the garden store have already been allowed. The single volume space now proposed would be read as part of the new structure, and so, in my view, would have little impact on the significance of the listed building. This element of the scheme would therefore preserve its special interest.

Changes to the proposed glazed link

32. As part of the 2016 scheme, the new link building was to have a glazed roof. The revised proposal would change the fully glazed roof to a solid roof, which the Council consider to be acceptable in principle. However, it is also proposed to lower the floor level of the new link by approximately 0.9m, to match the corresponding level of the main house. The Council voice concern that this would further diminish the courtyard garden which was historically all at the same level. The proposed lowering of glazed link floor would, in their view, further erode the levels of the historic courtyard, thereby harming its significance. The breaking up of the courtyard into separate elements would detract from the attractive external space and the setting of the listed building.
33. However, it seems to me that the new link structure, in itself, would break up the courtyard into very distinct elements. It would introduce a substantial development where none previously existed, which would bring about a marked change to the historic form of the courtyard. The change in floor level would be internal, and would not be readily perceptible from the garden area.

To that extent, it would not bring about any significant change over and above the effect of the link building. Taking these factors into account, I consider that the change to the floor level inside the link would not harm the significance of the listed building, or its setting.

Changes to mews building

34. As noted above, the interior of the mews building has been substantially altered, with the result that only the external elevation, which is to be retained, has any historic significance. The appeal scheme would remodel the interior to a different layout to that allowed in 2016. In light of these changes, the Council have concerns with regard to how the retained external garage doors would relate to the new proposed floorplan inside the building.
35. I recognise these concerns, and I accept that the proposed new layout behind the garage doors would be less than optimal in terms of their function, and would represent a departure from the way the doors were used in the past. However, the external appearance of the doors would remain intact, and I am confident that their condition would be maintained. As a result, there would be no harm to the significance of the listed building.

Rooflight

36. On the second floor, it is proposed to remove an existing rooflight and replace it with an enlarged rooflight. A number of issues arise, firstly the effect of removing part of the roof to accommodate the new rooflight. No investigation of the roof structure has been carried out, and so its age and significance are uncertain. However, at the hearing, I heard that it is likely that the roof would have been modified in some way to accommodate the roof tanks, which are to be removed.
37. The Council are concerned about the loss of the existing roof light, and the design of the proposed roof light, including the flush detailing. The morphological plan of the second floor shows that the partitions in the area date from the 1930s, or early 20th century. The existing rooflight is estimated to date from the 1930s or later. The 2016 scheme allows for the comprehensive remodelling of this floor, with the existing partitions removed and replaced with new partitions.
38. I agree that the existing rooflight is generally sympathetic to the building. However, within the context of the permitted changes on this floor, I consider that its replacement would be similarly acceptable in principle. Whilst I acknowledge the Council's concerns, I am satisfied that the detailed design of the new rooflight may be agreed by condition.

Conservation area

39. The appeal site is located within the Regent's Park Conservation Area (CA), and so I am required to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposals relate primarily to the interior of the listed building, and so would not affect the CA. Any perceptible changes would be minimal and would not adversely affect the character or appearance of the CA. The statutory duty is therefore satisfied.

Planning balance

40. 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.
41. 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.
42. 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.
43. 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.
44. I have been referred to LP Policy D1, which amongst other things, requires new development to be inclusive and accessible for all. However, this aim would not outweigh the great weight that is to be given to the conservation of a heritage asset, particularly one within the highest listing category. I have taken into account the public benefits that attended the permitted 2016 scheme. Whilst such benefits should be afforded modest weight, they would not justify the harmful effects that would arise from the appeal proposal.
45. I therefore find that insufficient public benefits have been identified that would outweigh the harm I have identified to the heritage asset. The harmful elements of the scheme therefore conflict with the NPPF, which directs, at paragraph 193, that great weight should be given to the asset's conservation ... irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Planning obligation

46. As noted above, a completed planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (the s106 Agreement) was submitted at the hearing. It includes provisions to secure a highways contribution, which

would meet the cost of any construction damage, and reinstate any affected road and footpath surfaces after the development. It would also ensure compliance with a Construction Management Plan. These outcomes would meet the requirements of LP Policy A1, which seeks to manage the impact of development, and LP Policy DM1, which relates to delivery and monitoring. The provisions of the s106 Agreement are necessary to enable the development to proceed and I am satisfied that the tests set out in paragraph 56 of the NPPF have been met.

Conditions

47. The Council have suggested a number of planning conditions which were discussed at the hearing. I have also considered them against the relevant advice in the Planning Practice Guidance (PPG). For certainty, it is necessary that the works and development are carried out in accordance with the approved plans.
48. With regard to Appeal A, conditions relating to landscaping, planting and tree protection are appropriate in the interests of character and appearance. Conditions relating to the basement development are necessary to ensure an appropriate form of development. A condition to control noise levels is required to protect the living conditions of neighbours. It is essential that the requirements of conditions 3, 6 and 9 are agreed prior to the development commencing to ensure that the development is acceptable in respect of the matters they address.
49. With regard to Appeal B, conditions requiring the matching of new works to existing methods and materials, the salvage and reuse of materials, the submission of detailed drawings and samples of materials, and sealing of the garage doors are necessary in the interests of the character and appearance of the listed building.
50. Conditions seeking details of the method statement for demolition and excavation works, and requiring the retention/salvage of uncovered historic fabric are appropriate to protect the existing fabric of the listed building. A condition securing a photographic record of 13 Gloucester Gate Mews is necessary for the understanding of the listed building.

Conclusion

51. In carrying out the statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, I confirm that the works which have been found acceptable in this analysis would preserve the building and its setting and its features of special architectural or historic interest. They accord with the development plan policies referred to, and hence the development plan overall. They also meet the aims of the NPPF.
52. Conversely, those items found unacceptable would conflict with the development plan overall. With regard to the NPPF, the public benefits of the items found unacceptable do not outweigh the harm identified.

Elaine Gray

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Roger Hepher	HGH Consulting
Sarah Ballantyne-Way	HGH Consulting
Kate Gharhremani	Make Architects
Dorian Crone	Heritage Consultant
Mr Namaki	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

David Peres da Costa	Senior Planning Officer
Antonia Powell	Senior Conservation Officer

DOCUMENTS RECEIVED DURING THE HEARING:

- Nature of Impact of Proposals on Heritage Significance;
- Completed section 106 agreement;
- Agreed Statement of Common Ground;
- Copies of the amended plans;
- Copy of 1827 engraving of the listed building.

APPEAL A - SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than the end of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement; Heritage Statement (August 2016); Heritage Statement Addendum (July 2017); Design and Access Statement (August 2016); Design and Access Statement Addendum S73 Statement (July 2017); Basement Impact Assessment Screening and Scoping (5 July 2017); Basement Impact Assessment Addendum Report (23 June 2017); Daylight and Sunlight Report (5 August 2016); Daylight and Sunlight Correspondence (4 July 2017); Arboricultural Impact Assessment (11 August 2016); Addendum to Arboricultural Impact Assessment (14 November 2016); Tree Constraints Plan (28 July 2015); Tree Protection Plan 1 August 2016) and with the following approved plans: Existing Site Plan PD0010 01; Revised demolition plan PD1499 04; PD1500 03; PD1501 02; PD1502 02; pd1503 02; Floor Plans – Basement – PD1998 04; Revised Lower Ground Floor Plan PD1999 08; Upper Ground Floor - PD2000 04; Upper Ground Floor Forecourt PD2000A 03; First Floor – pd2001 05; Second Floor - PD2002 04; Roof plan PD2003 04; Elevation 01 – PD2100 01; Elevation 02 – PD2101 03; Section E – PD2200 01; Revised Section B – PD2201 06; Section A – 2202 04; Revised Section C – PD2203 04; Revised Section F – PD2204 06; Section D – PD2205 08.
- 3) No development shall take place until full details of hard and soft landscaping and means of enclosure of all un-built, open areas have been submitted to and approved by the local planning authority in writing. Such details shall include details of the replacement Cherry tree, planted screen adjoining 14 Gloucester Gate and courtyard planting. The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.
- 4) All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 5) During the first available planting season following the completion of works, a Liquidambar styraciflua (sweet gum) tree shall be planted as a heavy standard with a girth size of 12-14 cms. The tree shall be planted and maintained to the standards set out in BS8545:2014.
- 6) 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, approve and monitor the structural elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. 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) The development shall be carried out in strict accordance with the Basement Impact Assessment with Appendix A-J prepared by Techniker dated 12.08.2016 and Basement Impact Assessment - Addendum 01 & 02 prepared by Techniker dated 21.09.2016 & 04.10.2016 hereby approved.
- 8) Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).
- 9) Prior to the commencement of any works on site, tree protection measures detailed in the arboricultural report ref. D1006151635 dated 11/08/2016 shall be installed on site 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 in accordance with the approved protection details.

APPEAL B - SCHEDULE OF CONDITIONS

- 1) The works hereby permitted shall begin not later than the end of three years from the date of this consent.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement; Heritage Statement (August 2016); Heritage Statement Addendum (July 2017); Design and Access Statement (August 2016); Design and Access Statement Addendum S73 Statement (July 2017); Basement Impact Assessment Screening and Scoping (5 July 2017); Basement Impact Assessment Addendum Report (23 June 2017); Daylight and Sunlight Report (5 August 2016); Daylight and Sunlight Correspondence (4 July 2017); Arboricultural Impact Assessment (11 August 2016); Addendum to Arboricultural Impact Assessment (14 November 2016); Tree Constraints Plan (28 July 2015); Tree Protection Plan 1 August 2016) and with the following approved plans: Existing Site Plan PD0010 01; Revised Demolition Plan PD1499 04); PD1500 03; PD1501 02; PD1502 02; pd1503 02; Floor Plans – Basement – PD1998 04; Revised Lower Ground Floor Plan PD1999 08; Upper Ground Floor - PD2000 04; Upper Ground Floor Forecourt PD2000A 03; First Floor – PD2001 05; Second Floor - pd2002 04; Roof plan PD2003 04; Elevation 01 – PD2100 01; Elevation 02 – PD2101 03; Section E – PD2200 01; Revised Section B – PD2201 06; Section A – 2202 04; Revised Section C – PD2203 04; Revised Section F – PD2204 06); Section D – PD2205 08.

- 3) All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any conditions attached to this consent.
- 4) Before any work is undertaken in pursuance of this consent to demolish or to alter by way of partial demolition any part of the building, structural engineers' drawings and a method statement for the demolition and excavation, indicating the proposed method of ensuring the safety and stability of the building fabric to be retained throughout the period of demolition and reconstruction, shall be submitted to and approved by the Council as local planning authority. The relevant work shall be carried out in accordance with such structural engineers' drawings and method statement thus approved.
- 5) Before the commencement of works to 13 Gloucester Gate Mews, a photographic record of the interior shall be made and submitted to the local planning authority.
- 6) All historic fabric (joinery, original bricks or York stone) removed during the course of the works shall be salvaged and retained on site for reuse within the scheme unless otherwise agreed in writing with the local planning authority.
- 7) 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 joinery at a minimum of 1:20 scale and with typical sections at a minimum of 1:2 scale.
 - b. Full details of the new garden room including details of the junction with the brickwork of the listed buildings (to include fully detailed elevation of 12 Gloucester Gate and the Mews building).
 - c. A sample brickwork panel for all new masonry to be provided on site (and retained on site during the course of the works).
 - d. Details of the proposed method of sealing the garage doors fronting 13 Gloucester Gate Mews.
 - e. full details of rooflight, including evidence of opening up of roof structure.The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.
- 8) 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.
- 9) Within six months of the commencement of works to 13 Gloucester Gate Mews, the existing garage doors fronting Gloucester Gate Mews shall be appropriately sealed by the means approved by the local planning authority under condition 7.