
Appeal Decisions

Site visit made on 12 January 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 February 2021

Appeal A: APP/K5600/W/20/3258851

1 Derry Street and service yard and rear garden of 34 Kensington Square, London W8 5HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nigg of Cartina Kensington Limited against the decision of The Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/20/00233, dated 12 December 2020, was refused by notice dated 11 June 2020.
 - The development proposed is described as creation of a new pedestrian opening in the service yard wall facing Derry Street, narrowing of vehicular entrance and erection of new gates, reconfiguration of the existing service yard to include pedestrian route with calenary, new security hut, planting to screen service yard facilities and associated reconfiguration of parking spaces and service yard landscaping. Two pedestrian openings in garden boundary wall with No. 34 Kensington Square and associated landscaping. External and internal refurbishment of 1 Derry Street, including replacement rooftop plant and screening, rooftop terrace and new entrance pavilion.
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Appeal B: APP/K5600/Y/20/3258849

1 Derry Street and service yard and rear garden of 34 Kensington Square, London W8 5HY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Mr Nigg of Cartina Kensington Limited against the decision of The Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref LB/20/00234, dated 12 December 2019, was refused by notice dated 11 June 2020.
 - The works proposed are described as creation of a new pedestrian opening in the service yard wall facing Derry Street, narrowing of vehicular entrance and erection of new gates, reconfiguration of the existing service yard to include pedestrian route with calenary, new security hut, planting to screen service yard facilities and associated reconfiguration of parking spaces and service yard landscaping. Two pedestrian openings in garden boundary wall with No. 34 Kensington Square and associated landscaping. External and internal refurbishment of 1 Derry Street, including replacement rooftop plant and screening, rooftop terrace and new entrance pavilion.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for creation of a new pedestrian opening in the service yard wall facing Derry Street, narrowing of vehicular entrance and erection of new gates, reconfiguration of the existing service yard to include pedestrian route with calenary, new security hut,

planting to screen service yard facilities and associated reconfiguration of parking spaces and service yard landscaping. Two pedestrian openings in garden boundary wall with No. 34 Kensington Square and associated landscaping. External and internal refurbishment of 1 Derry Street, including replacement rooftop plant and screening, rooftop terrace and new entrance pavilion, at 1 Derry Street and service yard and rear garden of 34 Kensington Square, London W8 5HY, in accordance with the terms of the application, Ref. PP/20/00233, dated 12 December 2020, subject to the conditions set out in the schedule at the end of this decision.

Appeal B

2. The appeal is allowed and listed building consent is granted for creation of a new pedestrian opening in the service yard wall facing Derry Street, narrowing of vehicular entrance and erection of new gates, two pedestrian openings in garden boundary wall with No. 34 Kensington Square, at 1 Derry Street and service yard and rear garden of 34 Kensington Square, London W8 5HY, in accordance with the terms of the application Ref. LB/20/00234, dated 12 December 2019, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

3. As set out above, there are 2 appeals on this site. Each relates to the same scheme but they relate to separate applications for planning permission in the case of Appeal A, and listed building consent in the case of Appeal B. I have considered each on its individual merits, however, to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.
4. The description of works proposed in relation to Appeal B simply duplicates the description of development in relation to Appeal A. As such it includes items that would not entail works to listed buildings. I have therefore omitted them from my decision above relating to Appeal B. My reasons for omission of reference to the proposed works to 1 Derry Street is set out below.
5. Additional drawings and other materials have been submitted in support of the Appeals which were not included within the original applications. This is not unusual, and insofar as these drawings and materials clarify but do not change the proposals, no prejudice arises from their consideration. I have however made my decisions on the basis of the agreed list of plans set out within the Statement of Common Ground.

Main Issue

6. The main issue is the effect of the scheme on designated heritage assets including: whether the scheme would preserve listed buildings, their settings, or any of the features of special architectural or historic interest that they possess; and, whether the scheme would preserve or enhance the character or appearance of Kensington Square Conservation Area (the Conservation Area).

Reasons

Background

7. The scheme would entail works to the boundary wall of No 34, and the gateway to the service yard located between No 1 and 99-121 Kensington High Street.

The latter is currently identified in the statutory list as 'Marks and Spencers, British Home Stores and the Roof Garden', but was built as Derry and Toms department store. The gateway is directly attached. No 34 is listed at Grade II, and No 99-121 at Grade II*, and these are the listed buildings in this case.

8. The scheme would also entail works to No 1, which is not directly attached to, and indeed stands separated from No 99-121, on the other side of the service yard. It is not individually listed, and nor does the list description for No 99-121 refer to it. Whether or not No 1 should be considered covered by the listing of No 99-121 is however a matter of dispute between the parties, which, notwithstanding the Council's lack of objection to the works proposed to No 1, has clear relevance to the determination of these Appeals.
9. No 1 was in the same ownership as No 99-121 at the date of listing, was similarly built during the 1930s, and originally served an ancillary function. This functional relationship had however ceased by the date of listing. The way in which No 99-121 was itself used had also changed. As such, notwithstanding their similar ownership, or shared access via the service yard, No 1 did not have a principal or accessory relationship with No 99-121 at the date of listing. As a matter of fact and degree therefore, I consider that No 1 falls outside the curtilage of No 99-121, and is not therefore covered by its listing. It can only logically follow that the works proposed to No 1 fall outside the scope of control set out within the Act. No 1 nonetheless remains to be considered as a building which forms part of the setting of No 99-121.
10. Whilst I note that another Inspector reached a different conclusion in relation to the status of No 1 in a 2016 appeal, in that case, and at that time, the Inspector noted a lack of cogent evidence.
11. No 34, No 99-121 and the service yard are all located within the Conservation Area. No 1 lies just outside.
12. Given the multiple heritage assets involved, I have split my assessment of the matter into 3 sections (a) – (c) below, which address each of the heritage assets in turn, with a joint conclusion in section (d).

(a) No 34

13. Insofar as it is relevant to the appeal, the special interest and significance of No 34 resides in its eighteenth century date, formal domestic design, its relationship to other dwellings which define Kensington Square, and its relationship to the Square itself.
14. The scheme would not involve any works to the fabric of No 34. The scheme would also not alter the relationship of No 34 to the Square, or perception of this relationship. Thus, it would have no direct impact upon these principal attributes of the special interest and significance of the listed building. The scheme would, in this regard, involve works to the boundary wall which encloses the back garden, and within the garden itself.
15. Though the space within the current garden has long been attached No 34, historic mapping indicates change in the layout of this and adjacent back garden spaces over time. As such, the fabric of the boundary walls, the boundary lines that they define, as too the shape and area of space they enclose, are of varying age and historic significance.

16. The section of wall and the boundary line at the back of the plot date to the 1970s, and thus neither can be reasonably described as historic. The adjoining section of wall along the side of the plot is likely to be of late nineteenth century origin, and thus again of later date than No 34. Moreover, the age of the boundary line it defines is unclear, given that earlier mapping appears to show no wall in this location.
17. In terms of its shape, size, enclosure and overall layout, the current garden does not therefore exist in its original state, or, in this regard, hold any particular special interest or significance. The walls nonetheless perform a traditional function in providing enclosure, and in defining a reasonably attractive space from within which the rear elevation of No 34 can be viewed, and the significance of the listed building partially appreciated.
18. A new wall would be erected to physically sever the end of the garden. Though reduced in size, a larger amount of enclosed garden space would be retained. This would be similar in proportion to that which exists immediately to the rear of adjacent dwellings. Indeed, walls in similar positions, and or performing similar functions, exist in adjacent gardens. Set within both this context, and the context of past change, a sympathetically designed and constructed wall, and the reduction in garden size to which this would give rise, would not be perceived as incongruous, and nor would it entail loss of special interest or significance. The garden would thereafter continue to provide an attractive space from within which the rear elevation of No 34 could be viewed, and the significance of the listed building partially appreciated.
19. The severed space would remain a garden, and would continue to be defined by the existing boundary walls. In this regard it would also be perceived as remaining part of the broader block of adjoining garden of land. Though the nature of its use would change, activity within, and the way in which gardens are used can otherwise be subject of variation within normal use. As such, change arising from the severance of the garden would again not detract from, or adversely affect an ability to appreciate the significance of No 34.
20. Insofar as the scheme would require works to the existing boundary wall, the formation of 2 openings would result in the limited loss of some 1970s and late nineteenth century brickwork. In view of my findings above, loss of 1970s fabric would again not harm the special interest and significance of No 34, or the ability to appreciate these attributes. Neither would the minimal loss of nineteenth century fabric, which would occur in the context of forming an opening of a type and character often found within contemporary garden walls.
21. Interested parties have drawn parallels between the appeal scheme, the severance of garden space proposed during the 1960s, and that which occurred during the 1970s. However, the scheme is not directly comparable, as it would not entail the complete absorption of the severed space into the service yard.
22. For the above reasons I find that the special interest and significance of No 34, and its setting, would be both preserved and conserved.

(b) No 99-121

23. Insofar as it is relevant to the appeal, the special interest and significance of No 99-121 resides in its purpose-built 1933 design and Art Deco styling as a major department store.

24. The gateway to the service yard is a relatively minor attachment to the building, and component the elevation facing Derry Street. It was subject of alteration during the 1970s, at which time a gatehouse attached to the side of No 99-121 was demolished. The form and layout of the gateway is not therefore in its original condition. Whilst the design and materials of the gate piers and walls either side of the entrance are nonetheless consistent with those of the adjoining elevation, exposure of the service yard within the streetscene detracts from the appearance of the adjacent elevation.
25. The scheme would see the dimensions of the vehicular entry narrowed, utilising and/or reusing the same design and materials as at present. The gateway would therefore remain consistent in design with the adjoining elevation, whilst providing better screening of the service yard. The 2 new gated pedestrian openings would generally complement the arrangement. The works would thus deliver an overall enhancement of the elevation facing Derry Street.
26. Despite its historic relationship with No 99-121, No 1 is of more functional design, and holds very little architectural and visual interest, considered both in itself, and viewed in relation to No 99-121. As such, it makes very little contribution to the special interest and significance of No 99-121. In this regard the refurbishment of the building, and resulting improvement in its condition and appearance would nonetheless provide a very minor visual enhancement to the setting of No 99-121.
27. Other works carried out within the service yard, including landscaping and the provision of a new security cabin, would improve its general layout and appearance, thus again very modestly enhancing the general physical setting it provides to No 99-121.
28. For the reasons set out above I find that the special interest and significance of No 99-121 and its setting would be both preserved and conserved, and indeed subject of some minor enhancement.

(c) Conservation Area

29. Insofar as it is relevant to the appeal the special interest and significance of the Conservation Area resides principally in the layout of the buildings and spaces which define, and adjoin Kensington Square. As noted above, this includes No 34, which forms a component of the Square, and No 99-121, which forms part of its immediate setting.
30. I have already considered the historic significance of the garden, the walls and their layout above, and established that the works would have no direct impact on the Square itself. In this context the traditional role played by the garden walls in enclosing space is nonetheless a generally positive attribute, if one with limited public prominence in the current case. I have also established that exposure of the service yard has a negative visual effect on the street scene.
31. As again established above, the role played by the walls would be retained, and the severed garden space would both remain a garden, and continue to be perceived as forming part of a broader block of garden land. The relationship between the service yard and broader street scene would be improved by modifications to the gateway. As such, in these regards the scheme would either preserve or deliver modest enhancement of the Conservation Area.

32. A substantial plane tree is located within the adjoining garden. The tree can be viewed through the gateway on the Derry Street frontage, and is a feature of some merit viewed from within the service yard, and from adjoining gardens and dwellings.
33. The extent of the root spread of the tree is uncertain. Given the proximity of the tree to the boundary however, it appears likely that some roots do encroach below the boundary wall into the garden of No 34. The ground level of the garden within which the tree stands is however significantly lower than that of the adjacent part of the garden of No 34. As such, any roots encroaching below the boundary wall do so at a similarly low level. Aside from formation of a new opening in the back wall, the scheme would require some recontouring and reduction in levels within the garden of No 34. There would however remain a significant difference in ground levels. As such, and given that the tree is a type reasonably tolerant of root pruning, the scheme would not be incompatible with the wellbeing of the tree, or therefore threaten the positive contribution that it currently makes to the Conservation Area.
34. For the reasons set out above I find that the character and appearance of the Conservation Area would be preserved and modestly enhanced.

(d) Conclusion

35. For the reasons outlined above I conclude that the scheme would have an acceptable effect on designated heritage assets, preserving the listed buildings and their settings, and delivering some modest enhancement to the Conservation Area. With regard to Appeal A, and insofar as it is relevant to Appeal B, the scheme would thus comply with Policy CL1 of the Local Plan (the LP) which requires development to contribute positively to the townscape and respond to the local context; Policy CL2 of the LP, which seeks to secure high quality design; Policy CL3 of the LP which reiterates statutory duties in relation to conservation areas; Policy CL4 of the LP which seeks to preserve the heritage significance listed buildings and their settings; Policy CL6 of the LP which seeks to secure alterations and additions which do not harm the character and appearance of a building and its context; Policy CL11 of the LP which requires 'views' to be preserved or enhanced; and supporting information set out within the Conservation Area Appraisal.

Other Matters

36. Interested parties have raised a number of additional matters relating to privacy, noise, light pollution, structural stability, and covenants, none of which are identified as being of concern by the Council. Insofar as the layout of the proposed roof terrace of No 1 would provide limited scope for outward views; noise emitted by new plant would be subject of attenuation and restriction; scope for pedestrians to see into adjoining gardens would be limited by differences in ground level and boundary screening; the entrance pavilion would incorporate an automatic blackout blind, and would be otherwise screened by adjacent structures; lighting along the new access could be low key and motion operated; the load on the retaining wall would not be increased; and covenants are a private matter which can be addressed separately; I find no reason to reach a different view.
37. Security concerns have also been raised given that the scheme involves the introduction of pedestrian access through a currently domestic garden space.

The gateway on Derry Street would however be itself secured, and other security measures including CCTV, could be introduced along the new pedestrian route. Specification of such measures can be the subject of a condition.

38. Whilst interested parties have also drawn my attention to an appeal relating to Redcliffe Gardens, whether or not the appellant is the same, the case has no direct relevance to the current appeal. Indeed, it relates to a completely different site and scheme located elsewhere in London.

Conditions

39. In relation to both Appeals A and B I have attached conditions setting out the time periods for commencement, and in relation to Appeal A, the approved plans. This is for sake of certainty. I have not imposed a plans condition in relation to Appeal B, as no power to do so is provided by the Act.

Appeal A

40. The Council has requested a condition requiring completion of a Code of Construction checklist and Site Construction Management Plan. However, the specific implications and/or content of these requirements has not been explained or specified, and no Local Plan policy requiring these measures has been identified. Insofar as it is apparent that the Code brings together various requirements under separate legislation, these requirements are in themselves presumably capable of independent effect. The necessity of the proposed condition has not therefore been clearly demonstrated. Insofar as the Council has however made reference to limitations on hours within which noisy building work can take place, this can be separately addressed. That is therefore the purpose of Condition 3, which is imposed in the interests of the amenity of occupants of adjacent properties.
41. The Council has requested a condition requiring provision of a Construction Traffic Management Plan (CTMP). A draft CTMP which the Council has described as acceptable was however provided with the application. Though the addition of contractor details and an expected timeline are recommended, These do not appear to be essential. Condition 4 therefore requires compliance with the submitted CTMP, whilst providing scope for variation if required. This is necessary in the interests of highways safety and neighbour amenity.
42. There is no need to impose a condition requiring a flood risk assessment (FRA) as, aside from this being inappropriate post-determination, an FRA has already been completed. Condition 5 however requires details of the proposed SuDs and drainage channel, and details of how the works will seek to achieve betterment in line with Local Plan Policy. The condition is required in the interests of ensuring adequate drainage given the location of the site within a critical drainage area.
43. Condition 6 sets out a requirement to provide details of how external works to No 1 will be undertaken without having an adverse effect on operation of the adjacent railway line. This is necessary in order to ensure that no such adverse effects arise. I have modified the condition so that it relates to the relevant part of the scheme and contains an implementation clause.
44. Conditions 7 and 8 are imposed in order to limit noise and vibration from the new plant. There is no need for an additional condition relating to the specification of acoustic screening shown on the plans, as this must necessarily be sufficient to meet limits otherwise imposed within Condition 6. I have also not included the

requirement to switch off machinery in the event of non-compliance, as in the event that the condition was breached, this could be properly addressed through normal enforcement. The conditions are required to safeguard the amenity of occupants and users of nearby properties.

45. Condition 9 requires details of the security systems to be installed in relation to the new pedestrian route, as suggested by the appellant. The condition necessarily also requires their installation and future maintenance. The condition is primarily required in order to ensure to safety of users of the new pedestrian access, whilst also safeguarding the general security of adjoining properties.
46. Condition 10 requires the submission, implementation and future maintenance/management of a landscaping scheme. The condition incorporates provisions for tree protection and a planter at the access, removing the need for these to be addressed separately. The condition necessarily includes some details already partially or indicatively addressed within the appellant's submissions. This is in order to ensure that the scheme is both comprehensively and holistically designed, delivered and managed. The condition is required in the interests of securing high quality design, which will both complement heritage assets and the broader setting.
47. Condition 11 requires both further details of cycle parking and its provision. The condition is required in the interests of facilitating sustainable modes of transport and compensation for the loss of parking space.
48. I have not imposed a condition prohibiting lopping, topping or felling of trees, as no such works are proposed, the plane tree of concern is located outside the site, and otherwise within the Conservation Area. I have also not imposed conditions requiring further details of the security hut and entrance pavilion, as these are adequately shown on the submitted plans.

Appeal B

49. I have imposed Condition 2, which requires the submission of drawings showing the detailed design of the left-hand side of the gateway on Derry Street, and design of the yard elevation of the new opening in the side wall. Though acceptable detailed plans have in fact already been submitted, the condition addresses any uncertainty caused by the labelling of plan (PL) 142 as 'indicative' and the provision of an 'alternative' detail on plan (PL) 146. There is no need for these conditions to be duplicated in relation to Appeal A.
50. Condition 3 requires making good in matching materials and construction. This is in the interests of preserving the retained fabric of the walls in question.
51. I have not imposed a condition requiring retention of the existing wall and plasterwork, as no historic plasterwork would be affected by the scheme, and no further removal of walls could occur without permission/consent.

Conclusion

52. For the reasons set out above I conclude that Appeals A and B should be allowed.

Benjamin Webb

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) Unless modified in compliance with the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: (PL) 007 P1; (PL) 008; (PL) 009 P1; (03) 010 P1; (PL) 012 P1; (PL) 013 P1; (PL) 014 P1; (PL) 015 P1; (PL) 020 P1; (PL) 021 P1; (PL) 022 P1; (PL) 023 P1; (PL) 024 P1; (PL) 030 P1; (PL) 031 P1; (PL) 101 P1; (PL) 110 P1; (PL) 111 P1; (PL) 112 P1; (PL) 113 P1; (PL) 114 P1; (PL) 115 P1; (PL) 120 P1; (PL) 121 P1; (PL) 122 P1; (PL) 123 P1; (PL) 124 P1; (PL) 130 P1; (PL) 131 P1; (PL) 132 P1; (PL) 142; (PL) 143; (PL) 144; (PL) 145; (PL) 146; (PL) 148.
- 3) Any building work carried out in relation to the development hereby permitted which generates noise that can be heard at the boundary of the site, must be carried out only between the hours of: 08.00 - 18.00 Monday to Friday, and not at all on Saturdays, Sundays and public holidays.
- 4) The development hereby permitted shall be undertaken in accordance with the submitted Construction Traffic Management Plan dated November 2019, unless otherwise first agreed in writing by the local planning authority.
- 5) No 1 Derry Street shall not be reoccupied consequent to the development hereby permitted, until a scheme of drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - i) an analysis of surface water run-off and attenuation volume demonstrating how the measures will seek to achieve a reduction of 50% of existing rates, including climate change in the calculations, and factoring in all flows into the sewer system including groundwater or other flows;
 - ii) details of the SuDS types to be installed, their location, attenuation capacity, specification, structural integrity, construction, operation, access, and maintenance;
 - iii) section/profile drawings of the SuDS and new drainage channel;
 - iv) include a timetable for implementation; and,
 - v) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 6) Works to the exterior of 1 Derry Street hereby permitted shall not commence until detailed design and method statements, in consultation with London Underground, have been submitted to and approved in writing by the local planning authority which:
 - (a) provide details of replacement rooftop plant and screening;
 - (b) provide details on the use of tall plant/scaffolding to accommodate the location of the existing London Underground structures;
 - (c) demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground owned land; and

- (d) demonstrate that there will at no time be any potential security risk to the railway, London Underground property or structures.

The development shall then be carried out in accordance with the approved design and method statements.

- 7) The noise emitted by all building services, plant and ventilation hereby permitted, shall not exceed a level 10dBA below the existing lowest LA90(10min) background noise level at any time, or exceed a level 15dBA below where the source is tonal, when measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio.
- 8) The plant hereby permitted shall not operate unless it is supported on proprietary anti-vibration mounts to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises.
- 9) Details of the systems to be installed to secure and to monitor access to the new pedestrian route hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The systems shall then be installed in accordance with the approved details, and made fully operational prior to the first use of the new pedestrian route. The systems shall thereafter be retained in a fully operational state at all times.
- 10) No works in relation to the provision of the new pedestrian route hereby permitted, including the formation of new openings within the garden walls, shall be commenced until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include details of:
 - (a) tree protection measures and methods to be implemented in relation to the plane tree immediately adjacent to the site;
 - (b) earthworks showing existing and proposed finished levels or contours;
 - (c) planting;
 - (d) hard surfacing materials;
 - (e) seating and lighting;
 - (f) the design and fabrication of the trellis and calenaries;
 - (g) the design, construction and materials to be employed in the new garden wall;
 - (h) an explanation of how the existing planter at the junction of the pavement outside 35 Kensington Square and 1 Derry Street, will be rebuilt; and
 - (i) a management plan setting out arrangements for the future management and maintenance of the scheme.

The approved landscaping scheme shall be implemented before the first use of the new pedestrian route, and shall thereafter be managed and maintained in accordance with the approved management plan.

- 11) Further details of cycle parking and storage to be provided within the service yard in relation to the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The cycle parking and storage shall then be provided in accordance with the approved details prior to the reoccupation of 1 Derry Street. The cycle parking and storage thereafter be retained and kept available for the parking and storage of cycles at all times.

Appeal B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this decision.
- 2) Notwithstanding the submitted drawings, prior to the works hereby authorised being commenced in relation to the applicable components, the following shall be submitted to and agreed in writing by the local planning authority:
 - a) drawings at a scale of at least 1:50 which confirm the detailed design and construction of the left-hand side of the gateway on Derry Street; and
 - b) drawings at a scale of at least 1:20 which confirm the design of the yard facing elevation of the new opening to be formed in the side wall to the rear of 34 Kensington Square.

The works shall then be implemented in accordance with the approved details.

- 3) Any damage caused to any retained historic fabric of the garden walls and gateway during the course of the works hereby authorised shall be made good in matching materials and construction.