



Appeal Decisions

Hearing Held on 21 June 2023

Site visit made on 11 April 2023

by S Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2023

Appeal A: APP/X5990/W/22/3309434

64 Carlton Hill, St Johns Wood, London NW8 0ET

- 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 and Mrs Adam and Michelle Cedar against the decision of City of Westminster Council.
 - The application Ref 22/02322/FULL, dated 6 April 2022, was refused by notice dated 15 August 2022.
 - The development proposed is excavation of a new basement level, construction of a rear single storey extension with improvement to external façade and associated internal alterations to a Listed Building.
-

Appeal B: APP/X5990/Y/22/3309444

64 Carlton Hill, St Johns Wood, London NW8 0ET

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs Adam and Michelle Cedar against the decision of City of Westminster Council.
 - The application Ref 22/02323/LBC, dated 6 April 2022, was refused by notice dated 15 August 2022.
 - The works proposed are excavation of a new basement level, construction of a rear single storey extension with improvement to external façade and associated internal alterations to a Listed Building.
-

Decision

1. Appeal A is allowed and planning permission is granted for excavation of a new basement level, construction of a rear single storey extension with improvement to external façade and associated internal alterations to a Listed Building at 64 Carlton Hill, St Johns Wood, London NW8 0ET, in accordance with the terms of the application, Ref: 22/02322/FULL, dated 6 April 2022, subject to the conditions set out in the schedule at the end of this document.
2. Appeal B is allowed and listed building consent is granted for excavation of a new basement level, construction of a rear single storey extension with improvement to external façade and associated internal alterations to a Listed Building at 64 Carlton Hill, St Johns Wood, London NW8 0ET, in accordance with the terms of the application, Ref: 22/02323/LBC, dated 6 April 2022, subject to the conditions set out in the schedule at the end of this document.

Application for Costs

3. At the Hearing an application for costs was made by Mr and Mrs Adam and Michell Cedar against the City of Westminster Council. This application is the subject of a separate Decision.

Procedural Matters

4. As set out above, there are two appeals on this site. They involve the same scheme but relating to 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 but to avoid duplication I have dealt with the Appeals together, except where otherwise indicated.
5. The appeals were originally submitted for consideration as written representations. The Planning Inspectorate on behalf of the Secretary of State changed the procedure to a hearing following my review of the evidence and site visit to the property, with regard to my powers under the provisions of s319A of the Town and Country Planning Act 1990. I did not consider a second site visit to be necessary following the discussions at the hearing.
6. I accepted amended plans from the appellant prior to the hearing, which were submitted in response to the Council's statement of case and production of the statement of common ground (SoCG). The plans indicate the deletion of works to the front portico of the building and internal insulation works. The amended plans reduced the matters in contention, and were relatively minor changes which did not change the description or overall nature of the development, and were received in good time for the Council to publish them before the hearing. I therefore accepted them having regard to the Wheatcroft principles. The Council then confirmed that the second reason for refusal for both Appeal A and Appeal B relating to the portico had fallen away.
7. The Council also confirmed that the fourth reason for refusal (Appeal A only) which cited insufficient information regarding impact on trees had fallen away following their tree officer's review of the revised tree report¹ and agreement of related conditions.
8. It became apparent at the hearing that the Council had considered a previously superseded version of the lighting (reflected ceiling) plans². It was established that the correct version formed part of the appeal submission, and the Council had the opportunity to consider the correct plans during the hearing. I am therefore satisfied that no parties were prejudiced.
9. As the proposal relates to a listed building and is situated in a conservation area and I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

10. Having regard to the deletion of the works to the portico and internal insulation from the plans and the Council's withdrawal of their objections relating to the impact on trees as set out above, the main issues are:

¹ Appendix 15, Appellant's Statement of Case: Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan

² RCP plans PL-35-99 to 102

- 1) Whether the proposals would preserve a Grade II listed building, 64 Carlton Hill NW8 (ref. 1209766);
- 2) The extent to which the proposals would preserve or enhance the character or appearance of the St Johns Wood Conservation Area; and
- 3) In relation to Appeal A, whether sufficient soil depth and measures for sustainable planting and drainage would be provided above the proposed basement.

Reasons

Listed Building

11. 64 Carlton Hill is a detached villa in the Italianate style built around 1840. The list description indicates that it is included for group value only, and includes reference to the steps up to its central projecting Doric porch, sash windows and cast iron window guards. The property is set back within a generous plot, broadly central to Carlton Hill which comprises a verdant avenue of predominately early to late Victorian detached and semi-detached villas of relatively low density.
12. I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its imposing and largely unaltered frontage to Carlton Hill which in turn makes a positive contribution to the character and appearance of the St Johns Wood conservation area. I consider the conservation area separately in the second main issue of this decision. Internally, the original layout of the building arranged to both sides of a wide central hallway remains broadly legible, but as set out below a number of alterations have been carried out both before and after its listing in 1987.
13. The planning history³ indicates numerous internal and external alterations to the building since 1938 and it is apparent that many of the alterations were carried out prior to listing. Applications in 1996 and 1999, post-listing, include internal alterations in the description but unfortunately the actual works carried out are unknown as the plans are no longer retained by the Council.
14. From my site visit, it was apparent to me that a great deal of the internal features are neither original nor of any historic merit. Doors, cornices and skirting boards all appear to be modern replacements, and there are no historic fireplaces nor other features such as ceiling roses. Many internal room partitions have been removed or relocated. Notwithstanding the numerous 20th century additions and alterations the building retains its fine proportions both internally and externally. The central hallway with rooms off still allow its original layout to be appreciated, albeit many of the rooms have been increased in size or partitioned. The main staircase from the ground floor appears to be original, and the multi-paned windows whilst appearing to be reproductions retain their Georgian style qualities. Panelled surrounds to windows also remain in the principal rooms.
15. At the hearing the Council clarified which of the numerous internal and external works proposed to the building as listed in the schedule of works were agreeable to them. Having regard to their lack of objection (albeit some being subject to further details required by condition), the evidence supplied by the

³ Statement of Common Ground 11 May 2023, section 3

appellant and from what I saw on site, I have no reason to disagree with the Council's comments. Consequently I am satisfied that the effects of the works listed as agreed in the schedule of works (June 2023) would be neutral, not resulting in harm to the special interest of the listed building.

16. In summary, the remaining works in dispute relate to i) the single storey extension, ii) the replacement staircase from the ground floor to the lower ground floor and related works to floor levels, iii) the alterations to various doorways and openings, and iv) lighting proposals. I take each in turn below.
17. The proposed rear extension would comprise a predominately glazed single storey structure, under a flat 'green' roof. Wrapping around the existing L-shaped rear elevation and existing rear extensions dating from the early 20th century, it would project to a varying depth whilst spanning almost the entire width of the building. It would include a small set back in the centre to incorporate a lightwell to the new basement below.
18. Whilst the extension would be sizeable, it would be proportionate to the existing dwelling which is three storeys high from the rear. The existing extensions have already altered its original appearance which is likely to have been rather 'restrained and austere' as described by the Council. The ground floor part of the rear elevation retains no original features, with the planning history indicating that the French doors were added in the late 1990's. The width of the extension would be punctuated by the proposed recess to enable a light well to the basement, and be set in slightly from both side walls of the house. This, and the lightweight glazed structure, would reduce the visual scale and bulk of the extension. Having regard to the visuals⁴ presented by the appellant, it would certainly represent a visually striking structure quite different to the existing dwelling. Nonetheless, I find it to represent a successful design approach which would not detract from the existing building, rather it would add another layer to the evolution of its rear elevation which has already seen numerous changes over the past century or so.
19. Furthermore, minor alterations proposed to the rear elevation of the building would represent enhancement of the listed building. These include the removal of the existing plastic rainwater and waste pipes, and their relocation to the side of the building where they would be significantly less visible and allowing a cleaner and less cluttered rear elevation. A cast iron decorative window guard would be added to the left hand first floor window to match that on the right hand side. Both parties agreed that there was likely to have been a window guard here originally, and removed to make way for the three storey early 20th century extension.
20. Overall, due to its single storey height, taken together with its high glazing content, the appeal scheme would allow the overall historic appearance and relative symmetry of the much taller rear elevation to which it would relate to be clearly discerned. Moreover, although I note that the materials would not directly match those of its host property, they would, together with the proposed extension's design, allow it to be clearly read as a subsequent alteration. Moreover, due to the proposed extension's simple design taken together with its lightweight appearance, it would appear as an unfussy addition that would not diminish the aesthetic of the rear elevation and its

⁴ Design and Access Statement, pages 14 to 16

features when contrasted with the appeal building's street-facing façade and upper floors.

21. I was told that planning permission and listed building consent have been granted⁵ for separate single storey extensions to the neighbouring pair of dwellings at 60-62 Carlton Hill, also Grade II listed (ref. 1357271). The full details are not before me, and their presence does not in itself justify further development. Nonetheless the evidence indicates that that proposal at no. 64 would not project any further to the rear than those approved extensions, nor the rear walls of other (unlisted) neighbouring properties at no's 56-58 and no. 68. The Council does not cite harm to the setting of no's 60-62 and I have no reason to disagree with this.
22. I now turn to the internal alterations. The Council initially objected to the replacement staircase to the lower ground floor, its replacement forming part of the works to the floor levels to accommodate the new basement. This was based on a lack of information about its structure and they questioned whether it is original. The historic plans and the layouts of similar houses indicate that the location of the staircase is unlikely to have changed over time, where it sits below the main staircase. Given its probable former use as a service staircase, its design and use of materials are unlikely to match that of the main staircase to the upper floors.
23. Nonetheless, the proposals seek not to relocate its position but to replace it with one that would tie in with the new floor level. Whilst the Council were satisfied that it has a modern handrail and spindles, they sought further information about the treads and risers which are currently obscured by a fitted carpet. I had the opportunity to see the structure of the staircase on my site visit via an opening made through the boarded ceiling of the understairs cupboard. This demonstrated that the treads and risers are modern plyboard. At the hearing I accepted photographs which satisfied the Council that the staircase is of modern construction. Consequently, and given that the staircase would remain in its original position, I am satisfied that the works here would not result in harm to the special interest of the listed building. This is subject to a condition requiring full details of its design including handrail and spindles.
24. A number of doorways and openings are proposed to be altered in height and/or width. These include an alteration of the opening on the lower ground floor between the hallway and the kitchen of some 12cm and to infill it with glazing. The 1955 plans⁶ indicate that this wall (and the entire lower ground floor layout) had already been significantly altered as part of works to form an integral garage. Having regard to previous alterations, and from my observations on site, this is unlikely to be an original opening and its alteration and infill with glazing would not result in harm to the special interest of the listed building.
25. The master bathroom door on the first floor is proposed to be reduced in width. This relates to a former external wall leading to the three storey extension. The reduction in width would be justified here, given that the structure of the wall is known and it would improve the proportions of the room by centrally locating the doorway opposite the window which it faces.

⁵ 19/10800/FULL and 19/06604/FULL

⁶ Appendix 2, Heritage Statement

26. On the ground floor, there are two doors leading off the hallway to the principal rooms of the house. The single doorway to the TV room is proposed to be increased in height, and the existing double leaf doorway to the living room is proposed to be reduced to a single leaf door as well as raised in height. Having regard to both the 1916 and 1955 plans⁷, the living room doorway was previously single leaf. The bedroom doors on the first floor above are similarly proposed to be raised in height.
27. It is evident that the architraves to all of the aforementioned doors are not historic, and the doors themselves are modern panelled doors of standard size, design and materials. Whilst the appellant has offered limited justification for the proposed increase in height of these doors, I observed that the rooms have high ceilings characteristic of the period of the house and the doors are low in comparison. The Council raised concerns about the lack of investigation of the structure of the walls in which the doorways are located, and that historic timber partitions could be affected. Given the walls are centrally located around the hallway, they could either be brick supporting walls or timber stud walls. Following discussions on this matter at the hearing, the Council put forward a condition that prior to altering the openings investigations should take place to establish the wall structure, and subject to the findings detailed elevational plans should be submitted. I consider that this approach would be reasonable and proportionate, and if the wall structure is found to be of historic interest details of its treatment would need to be agreed in advance with the Council. Consequently, subject to such a condition, I find that the doorway alterations would not result in harm the special interest of the building.
28. Details of lighting are limited in the submission and the Council sought further information regarding the ceilings, given that harm might arise to historic lathe and plaster. It was confirmed at the hearing that in the majority of rooms existing lighting would be replaced with new pendants or LED spotlights, with existing fittings being utilised. An additional pendant would be added to the ground floor living room. The evidence before me is persuasive that many of the ceilings have already been replaced in the past. This includes the submission of photographs showing a cut out of the lower ground floor ceilings which clearly show that they are modern plasterboard⁸, and the lack of historic cornices and ceiling roses to all rooms. It was also confirmed at the hearing that the surface mounted track lights had been deleted from previously superseded plans, and that those to the first floor bedroom dressing room would be mounted to fitted cupboards and not to the walls or ceiling. Consequently, I am satisfied that a condition could appropriately deal with any further details of lighting, including their fixings where they are additional features.
29. I therefore do not consider the proposals would cause material harm to the special interest of the listed building. Rather, the proposed works and development would safeguard its inherent architectural and historic interest, and it therefore follows that such interest would be preserved.

Conservation Area

30. The St Johns Wood area of London developed from the 1820's, encompassing the speculative building of estates for the middle classes as an elegant

⁷ Appendices 1 and 2, Heritage Statement

⁸ Appendix 17, Appellant's Statement of Case

suburban retreat in close proximity to London. Broad avenues of detached and semi-detached villas in sizeable grounds were built, followed by denser terraces around the fringes. The conservation area retains its verdant suburban character with a number of low density residential streets of attractive villas. Many of the houses retain generous gardens and are set back from the road, with garden trees forming an important part of its character and appearance. Carlton Hill comprehensively demonstrates these characteristics, with a mix of early to late Victorian villas, principally of three storeys, within generous plots. The appeal property is one of the older properties on the street and its refined Regency style frontage makes a positive contribution to the character and appearance of the conservation area.

31. It is an agreed matter between the parties that, with the deletion of the works to the portico, the various alterations to the front of the building would not result in harm to character or appearance of the conservation area. The works to the front driveway, gates, refuse store and associated hard and soft landscaping were also considered acceptable by the Council subject to conditions requiring further design details and methods to protect trees. I would agree that such effects would be neutral.
32. The Council is primarily concerned with the impact of the rear extension on the conservation area. As stated above, I have not found harm arising from the extension on the special interest of the listed building. However, I am also obliged to consider the effects on the wider area including the erosion of part of the gardens. The scale and verdant appearance of the garden forms an important part of the character and appearance of the conservation area.
33. The appellant has placed undue weight on the manner in which the extension would appear in the street scene, in stressing that it would not be seen from public vantage points. However the significance of the conservation area is not limited to the frontage of the property but includes the rear gardens, their verdant appearance and the plot sizes.
34. I observed that whilst there are small gaps between the house and its neighbours, I was only able to see a limited amount of boundary foliage, and no part of the rear of the property itself from the front garden nor the road. The proposed extension would be set in from the side walls of the original house, and would be in line with existing/approved extensions on neighbouring properties. It is likely to be partially visible from some neighbouring properties, including the upper windows of the tall terrace of properties on Clifton Hill to the rear. Nonetheless, given the length of the surrounding gardens and intervening retained boundary vegetation, and mindful that the property would still benefit from a generous sized rear garden, I find that the visual effects would be limited. Consequently, I find that the proposals would not be detrimental and thus preserve the character and appearance and appearance of the conservation area as a whole.
35. Given the above and mindful of the duties imposed by the Act, I conclude that the proposal would preserve both the special historic and architectural interest of the Grade II listed building and the character and appearance of the St Johns Wood conservation area. This would satisfy the requirements of the Act, paragraph 199 of the Framework and would not conflict with policies 38, 39, and 40 of the Westminster City Plan (2021). Taken together these policies seek to ensure that works to listed buildings would preserve their special interest,

relating sensitively to the period and architectural detail of the building and protecting or restoring original historic fabric, and that extensions and alterations are of high quality design respecting their existing character and that of their surroundings, and would preserve the character and appearance of the conservation area. As a result the proposal would be in accordance with the development plan.

36. As there would be no harmful effect on designated heritage assets, it is not incumbent on me to consider any wider public benefits that the proposals may bring.

Soil depth above basement

37. City Plan policy 45 lists a number of criteria which basement developments are required to meet in order to ensure that such developments are appropriately designed and do not damage existing and neighbouring structures, irreversibly alter ground conditions or increase flood risk. The parties agree that all relevant criteria within policy 45 would be met by the basement proposals except for part B4, which requires the provision of a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume over the top cover of the basement. The supporting text indicates that sufficient soil depth is required to support sustainable planting and drainage.
38. The appellant accepts that the required soil depth could not be achieved above the 1.5 metre projection of basement; instead there would be a paved patio area above which would lead to a natural lawned area of the garden surrounded by planting towards its borders. The appellant's evidence⁹ demonstrates that there would be no loss of permeable surfaces or soft landscaping as a result of the basement development, but instead it would result in an increase in soft planting areas and a significant overall reduction in hardstanding/impermeable surfaces. Removal of the artificial grass and addition of a natural grass lawn would also contribute to the overall sustainable planting of the garden.
39. There is a lack of large plants or trees in close proximity to the basement area which might be restricted by the loss of soil. Instead, the majority of the mature vegetation is located towards the end of the garden away from the house and therefore roots are unlikely to be affected. In terms of drainage, the design of the basement includes a drain around the lightwell area to address any excess surface water run-off.
40. Reading the policy as a whole, there is no flexibility inherent within it. I heard that the Council have applied the policy flexibly on other basement developments, but nonetheless I have dealt with this appeal on its own merits. In doing so, I have had particular consideration for the size of the plot in which the property is located, with ample space around it remaining for soft landscaping and drainage. I also note that no objections were raised by the Council's building control or drainage teams.
41. Consequently, whilst there is conflict with part B4 of City Plan policy 45, all other criteria of the policy would be suitably met by the basement development and there would be sufficient soil and measures for sustainable planting and drainage within the site as a whole.

⁹ Appellant Statement of Case paragraphs 6.28 to 6.34 and Table 1

Conditions

42. I have considered both the wording and the reasons for the conditions as set out in the SoCG and discussed at the Hearing in accordance with the tests set out in paragraph 56 of the Framework. I have made some minor amendments to some of the conditions in the interests of clarity, precision and consistency. An approved plans conditions is unnecessary for the listed building consent because there is no provision for an application for a minor material amendment to such consent. All pre-commencement conditions have been accepted by the appellant. Suggested conditions 15 (Appeal A), 4 and 8 (Appeal B) are no longer necessary given the deletion of the portico and internal insulation from the proposals.
43. Conditions regarding construction management, including working hours, a code of construction practice and noise and vibration limits are necessary to minimise effects on neighbouring living conditions and are in accordance with the standards set out in the Council's adopted Environmental Supplementary Planning Document (2022). A condition which restricts use of the flat roof of the extension for sitting out or any other purpose is reasonable in terms of preventing overlooking to neighbouring properties.
44. The tree report includes details of measures to protect trees during construction, and whilst the measures are acceptable in principle the exact type of ground protection remains to be agreed. Therefore a condition requiring a final method statement would be reasonable and necessary. A condition restricting alteration of ground levels within the root protection area is also required in the interests of clarity and protection of trees. Furthermore, a condition requiring arboricultural site supervision and monitoring during construction is reasonable given the extent of the proposed works and likely duration of construction. A front garden layout is also required to ensure that the replacement holly tree is included within the landscaping and in the interests of biodiversity.
45. The Council's suggested condition regarding retention of the green roof is reasonable given its visual and biodiversity benefits. I have amalgamated this condition with that which requires a biodiversity management plan for the green roof. The replacement of the artificial grass with natural grass and/or green landscaping is necessary to ensure the biodiversity enhancements are realised and retained, and I have added a trigger for its provision within a reasonable time period.
46. Rebuilding of the side garden wall are to take place as part of the works on the neighbouring property (no. 62). The opposite wall would be rebuilt at a higher level to match. As the works to no.62 are currently incomplete, a condition requiring full details of the rebuilt walls once levels on the neighbouring property are known would be reasonable.
47. The full details of the proposed rooflight are not specified on the plans therefore a condition specifying that it should be conservation type and flush with the roof profile would be reasonable in the historic and architectural interest of the building. For reasons of clarity I have amalgamated the conditions requiring details of the finials of the new front gates/railings and their colour. This condition is necessary to ensure they are appropriate to the character and appearance of the existing building and the conservation area.

48. The Council suggested a condition requiring approval of details of the installation of the air conditioning unit including pipework. Such details are shown on a supporting document and a range of plans¹⁰ which demonstrate how and where pipework (for cooling, heating and extraction) would be inserted, together with details of the external condenser and vents. The plans are listed as approved plans and as such I consider the condition is unnecessary.
49. Details of the replacement staircase to the lower ground floor are required to ensure that the structure does not harm the special interest of the listed building. As explained in the main issues above in relation to the works to the doorways, I have added the need to investigate the existing walls prior to the works to the widened and/or heightened openings together with details of the new doors and architraves in order to ensure that the historic structure of the listed building is not harmed.
50. Full details of the new fireplaces are proposed to replace the modern fireplaces within the ground floor principal rooms to ensure they are appropriate for the listed building. Finally, in terms of lighting details, I have added reference to their fixings as discussed at the hearing and set out in the main issues above given that some of the ceiling structures of the listed building are currently unknown.

Conclusion

51. For the above reasons and having regard to all other matters raised, I conclude that both appeal A and Appeal B should be allowed.

Susan Hunt

INSPECTOR

¹⁰ Mechanical and Electrical Building Services Engineering Supporting Information (22 February 2022) and Mechanical Services Plans BP-21029-M-P-101, 102, 111, 112, 113, 121, 122, 123

Schedule of Conditions

Appeal A:

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed below:

Site Location Plan (ref. EX-00-011)

Lower Ground Floor Demolition Plan (ref. DE-00-099-B)

Ground Floor Demolition Plan (ref. DE-00-100 B)

First Floor Demolition Plan (ref. DE-00-101-B)

Second Floor Demolition Plan (ref. DE-00-102-B)

Demolition Roof Plan (ref. DE-00-103)

Section A-A Demolition (ref. DE-00-200)

Demolition Front Elevation (ref. DE-00-300-B)

South East Demolition Elevation (ref. DE-00-301)

Demolition South West Elevation (ref. DE-00-302-C)

North East Demolition Elevation (ref. DE-00-303-C)

Proposed Site Plan (ref. PL-00-010-B)

Proposed Basement Floor Plan (ref. PL-00-098)

Proposed Lower Ground Floor Plan (ref. PL-00-099-B)

Proposed Ground Floor Plan (ref. PL-00-100)

Proposed First Floor Plan (PL-00-101-B)

Proposed Second Floor Plan (ref. PL-00-102-B)

Proposed Roof Plan (ref. PL-00-103)

Proposed Section A-A (ref. PL-00-200)

Proposed Section B-B (ref. PL-00-201)

Proposed Street Elevation (ref. PL-00-300-B)

Proposed Front Elevation (ref. PL-00-301-B)

Proposed Rear Elevation (ref. PL-00-302)

North East Side Elevation Proposed (ref. PL-00-303-C)

South West Side Elevation Proposed (ref. PL-00-304-C)

Basement Floor Plan (ref. PL-01-98)

Lower Ground Floor Plan (ref. PL-01-99-B)

Ground Floor Plan (ref. PL-01-100)

First Floor Plan (ref. PL-01-101-B)

Second Floor Plan (ref. PL-01-102-B)

Roof Plan (ref. PL-01-103)

Glass Box Roof Detail (ref. PL-27-100)

Window Detail Type 1 (ref. PL-31-100)

Basement Floor RCP (ref. PL-35-98)

Lower Ground Floor RCP (ref. PL-35-99)

Ground Floor RCP (ref. PL-35-100)

First Floor RCP (ref. PL-35-101)

Second Floor RCP (ref. PL-35-102)

Landscape Detail (ref. PL-90-100)

Mechanical Services Heating Arrangement Basement and Lower Ground
(ref. BP/21029/M/P/101 REV P0)

Mechanical Services Heating Arrangement Upper Ground, 1st and 2nd
(ref. BP/21029/M/P/102 REV P0)

Mechanical Services Pipework Arrangement Basement and Lower Ground
(ref. BP/21029/M/P/111 REV P0)

Mechanical Services Pipework Arrangement Upper Ground and First (ref.
BP/21029/M/P/112 REV P0)

Mechanical Services Pipework Arrangement Second Floor (ref.
BP/21029/M/P/113 P0)

Mechanical Services Ventilation and Cooling Basement and Lower Ground
(ref. BP/21029/M/P/121 REV P0)

Mechanical Services Ventilation and Cooling Upper Ground and First Floor
(ref. BP/21029/M/P/122 REV P0)

Mechanical Services Ventilation and Cooling Second Floor (ref.
BP/21029/M/P/123 REV P0)

Public Health Services Above Ground Drainage Basement and Lower
Ground (ref. BP/21029/M/P/301 REV P0)

Public Health Services Above Ground Drainage Upper Ground and First
(ref. BP/21029/M/P/302 REV P0)

Public Health Services Above Ground Drainage Second (ref.
BP/21029/M/P/303 REV P0)

- 3) Except for piling, excavation and demolition work, building work which can be heard at the boundary of the site shall only take place between the hours of 08.00 and 18.00 on Mondays to Fridays and between 08.00

and 13.00 on Saturdays, and shall not take place at any time on Sundays, bank holidays and public holidays. Piling, excavation and demolition work shall only take place between the hours of 08.00 and 18.00 on Mondays to Fridays; and shall not take place at any time on Saturdays, Sundays, bank holidays and public holidays. Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety).

- 4) No commencement of any: (a) demolition, and/or (b) earthworks/piling and/or (c) construction on site shall take place without the prior written approval of the Local Planning Authority of evidence to demonstrate that such demolition and construction will bound by Westminster City Council's Code of Construction Practice. Such evidence must take the form of the relevant completed Appendix A checklist from the Code of Construction Practice. Such submission and approval of details shall take place prior to each stage of commencement.
- 5) A) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the Local Planning Authority. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

B) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the Local Planning Authority. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

C) Following installation of the plant and equipment, an application can be submitted to Westminster City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval. The noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive

receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90 (15 minutes) measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; and (i) The proposed maximum noise level to be emitted by the plant and equipment. The development shall then be carried out as approved.

- 7) No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of the approved development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.
- 8) The roof of the extension hereby approved shall not be used for sitting out or for any other purpose unless for escape in an emergency.
- 9) No demolition, site clearance or building work, including bringing any equipment, machinery or materials for the development onto the site, shall take place until approval of the following by the Local Planning Authority:
 - a) Details of an amended front garden layout, which includes adequate space for a tree to replace the holly, which was protected by TPO St Marylebone no 12;
 - b) An updated method statement explaining the measures taken to protect the trees on and close to the site. The ground levels within the root protection area (as defined by British Standard BS 5837: 2012) of any of the trees shown to be retained on plan reference 'Tree Protection Plan UA/TPP/1 Rev 2 shall not be altered, including trenching, soil stripping, or excavation to install soft landscaping hard surfaces or structures, unless prior written consent is obtained from the Local Planning Authority; and
 - c) Details of an auditable system of arboricultural site supervision and record keeping prepared by an arboricultural consultant who is registered with the Arboricultural Association, or who has the level of qualifications and experience needed to be registered. The details of such supervision must include:
 - identification of individual responsibilities and key personnel;
 - induction and personnel awareness of arboricultural matters;
 - a supervision schedule, indicating frequency and methods of site visiting and record keeping;
 - procedures for dealing with variations and incidents;

- specification of a written report to be sent to Westminster City Council's tree officer within 5 days of each visit.

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

- 10) Prior to the construction of the rear extension a biodiversity management plan in relation to the green roofs shall be submitted to and agreed in writing by the Local Planning Authority to include construction method, layout, species and maintenance regime. The works to the green roofs shall be carried out in accordance with the approved details prior to habitable use of the extension and be thereafter retained and maintained in accordance with the approved management plan.
- 11) The existing artificial grass to the rear garden shall be replaced with new natural grass and/or green landscaping within six months of the completion of the approved extension and basement works (or in the first growing season following the works) and shall be retained thereafter.
- 12) Prior to any works to the garden walls surrounding the site, existing photographs of the walls to be altered and a written description of their condition shall be submitted to and approved by the Local Planning Authority together with detailed drawings of the replacement walls and proposed use/re-use of materials. The work to the walls shall then be carried out and retained as approved.
- 13) The new rooflight to the front roof slope shall be a conservation type rooflight flush with the profile of the adjoining roof slope, and shall be formed in glazing and dark grey or black metal framing.
- 14) Prior to any works to the front railings and gates details of their colour finish and finials shall be submitted to and approved by the Local Planning Authority. The railings and gates shall then be installed and retained as approved.

Appeal B:

- 1) The works authorised by this consent shall begin no later than 3 years from the date of this consent.
- 2) Prior to any works to the garden walls surrounding the site, existing photographs of the walls to be altered and a written description of their condition shall be submitted to and approved by the Local Planning Authority together with detailed drawings of the replacement walls and proposed use/re-use of materials. The work to the walls shall then be carried out and retained as approved.
- 3) The new rooflight to the front roof slope shall be a conservation type rooflight flush with the profile of the adjoining roof slope, and shall be formed in glazing and dark grey or black metal framing.
- 4) Prior to any works to the front railings and gates details of their colour finish and finials shall be submitted to and approved by the Local Planning Authority. The railings and gates shall then be installed and retained as approved.

- 5) Prior to any works to the lower ground floor staircases, detailed internal elevational and section drawings and details of proposed materials shall be submitted to and approved in writing by the Local Planning Authority. The staircases shall then be installed as approved.
- 6) Notwithstanding the information submitted, prior to any works to any of the doorways shown as being altered on the submitted plans the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) A schedule of investigation works to the walls in which the doorways are located in order to establish their structure; and
 - b) Subject to the findings of a), submission of detailed internal elevational drawings and sections showing the extent of fabric removal associated with the raising of door heights, and the detailing of new doors and architraves. The works to the doorways shall then be carried out in accordance with the approved details.
- 7) Prior to the installation of the proposed ground floor fireplaces, detailed drawings or photographs shall be submitted to and approved by the Local Planning Authority. The fireplaces shall be installed as approved.
- 8) Prior to the installation of any new internal lighting, details of fixings to existing fabric and manufacturers specifications for any new light fixtures shall be submitted to and approved in writing by the Local Planning Authority. The works shall then be carried out according to the approved drawings and specifications.

APPEARANCES

For the Appellant:

Adam Cedar, Appellant
Jim Tarzey, Pegasus Group
Henry Courtier, Pegasus Group
Claire Gayle, Pegasus Group
Nicole Lindley, Charlton Brown Architects
Chris Pask, Charlton Brown Architects

For City of Westminster Council:

Frederica Cooney, Planning Officer

Alistair Taylor, Urban Design and
Conservation Officer

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

Photographs of underside of staircase

Environmental Supplementary Planning Document (2022)