



Appeal Decision

Hearing held on 11 October 2023

Site visit made on 11 October 2023

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 9th November 2023

Appeal Ref: APP/T5150/W/23/3320652

Oxgate Farm, Coles Green Road, Brent, London NW2 7EY

- 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 James Proctor against the decision of London Borough of Brent.
 - The application Ref 22/2478, dated 7 July 2022, was refused by notice dated 24 October 2022.
 - The development proposed is alteration of the existing Grade II* listed farm house into 2 dwelling houses (Use class C3); alteration and side extension of the existing Grade II* listed annex into 1 residential dwelling (Use class C3); and erection of a new 4 storey plus basement building to provide 13 residential dwellings (Use class C3); amenity spaces and landscaping; refuse and recycling storage facilities; car and cycle parking; and other associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for alteration of the existing Grade II* listed farm house into 2 dwelling houses (Use class C3); alteration and side extension of the existing Grade II* listed annex into 1 residential dwelling (Use class C3) ; and erection of a new 4 storey plus basement building to provide 13 residential dwellings (Use class C3); amenity spaces and landscaping; refuse and recycling storage facilities; car and cycle parking; and other associated works at Oxgate Farm, Coles Green Road, Brent, London NW2 7EY in accordance with the terms of the application, Ref 22/2478, dated 7 July 2022, subject to the attached schedule of conditions.

Preliminary Matter

2. Updated drawings of the ground floor plan and east elevation were submitted with the appeal. The ground floor plan was updated to show a Building Regulation Part M4 (3) compliant dwelling, and the elevation shows a two-plane casement window in place of a window with three panes. These changes are not fundamental and would not prejudice those who should have been consulted. I have therefore accepted the updated drawing.

Main Issues

3. The reasons for refusal relating to carbon offsetting and fire statement are no longer contested by the Council. Given the S106 agreement and fire statement that were submitted during the appeal, I have no reason to disagree with the Council's conclusions on these matters.

4. Therefore, the main issues are:

- the effect of the proposed new building and loss of trees on the character and appearance of the area;
- whether the proposal would provide sufficient provision of family sized homes and accessible housing; and
- the effect of the proposal on the living conditions of neighbouring occupiers with regard to privacy and whether the proposal would provide a suitable living environment for future occupiers with regard to privacy; and
- the effect of the proposal on the grade II* listed building, The Old Oxgate (Oxgate Farm) and its setting.

Reasons

Character and appearance

5. The site lies on Coles Green Road, a busy highway in London. There are a mix of uses near the junction of Coles Green Road with Crest Road. However, the surrounding buildings on the same side as the site are largely four to five storey flats with flat roofs and rectangular layouts that give the area a unified residential urban character. The area on the opposite side of the road is largely characterised by traditional style two storey dwellings that result in a more spacious character.
6. Oxgate Farm is a grade II* listed building that fronts Coles Green Road. Its double gable form is a distinct feature in the street scene as it contrasts with the adjacent flat roofed developments on either side. Given its proximity to the flats, the building is seen more in this context rather than the two storey dwellings opposite.
7. Notwithstanding this, the undeveloped area to the rear of the listed building provides a spaciousness to the site which positively contributes to the character of the area.
8. The proposal would introduce a four storey block of flats to the undeveloped area to the rear of Oxgate Farm. Its height and flat roofed form would be in keeping with the surrounding buildings.
9. The new building would have projecting elements on the north and south ends and an external staircase projecting from the elevation facing the listed building. As the projections have different forms and the external staircase is not sited in the centre of the facade, this elevation would not appear symmetrical.
10. However, the staircase would be sited behind the single storey part of the listed building, which itself is not symmetrical, and closer to the smaller northern projection than the southern projection. In addition, it would be clad in vertical fins which would result in a lighter appearance than the rest of the building. Therefore, the overall composition of the east elevation would not appear unbalanced.
11. Nonetheless, the depth of the projections and the external staircase would be greater than those of the surrounding flats and would result in an elevation

- with a number of prominent features. This would appear out of keeping with the unified character of the surrounding flatted developments.
12. The projections and staircase would break up the massing of the proposed building. I am also mindful of the design constraints and rationale behind the design of the projections and external staircase. However, the number of prominent features on the elevation would result in a utilitarian character rather than a residential one. This would adversely affect the residential character of the surrounding area.
 13. The proposed external materials include dark grey wall hung clay shingle tiles and bronze metal. The dark colour would contrast with the white render of the listed building which would continue to be a distinct presence in the street scene. However, the depth of the projections and staircase would detract from the prominence of the listed building despite the use of contrasting colour materials. Given the position of the new building behind the listed building, the adverse effect would be seen primarily in close views from Coles Green Road.
 14. The east elevation also includes external walkways at the first and second floors that would be clad with solid metal panels which would have a heavy appearance adding a horizontal feature to the east elevation linking the vertical projections and external stair. However, the details of the external materials could be secured by a suitably worded condition.
 15. The southern projection would be seen from the street at the junction of Coles Green Road with Dignam Close. However, it would be set back a significant distance from Coles Green Road and views through Dignam Close to the buildings to the rear would be retained. Therefore, the southern projection would not appear unduly prominent in views from Coles Green Road to Dignam Close.
 16. The entrance to the dwellings would be via a gate under a set back at the ground floor of the southern projection. It would also face a solid wall and future residents would be required to travel along a convoluted route to the entrance of their dwellings. This feature would reinforce the utilitarian character of the building and adversely affect the character of the area.
 17. A number of trees on the site have been made subject of a Tree Preservation Order (TPO). I note the evidence regarding the timing of this and the issue of relevant copies of the order to the site owners. However, I have necessarily focussed my assessment on the planning merits of the scheme.
 18. The trees subject of the TPO which are proposed to be removed lie generally at the rear of the site. The trees near the southern boundary of the site that are proposed to be removed are of varying heights and generally in good condition. Given their height, maturity and reasonable health, the trees are of significant amenity value and provide a significant contribution to the character and appearance of the area at the rear of the site. Notwithstanding their position away from the street, the canopies of the trees collectively can be seen from the road and provide a moderate contribution to the visual amenity of the wider area.
 19. The removal of these trees would diminish the green verdant character at the rear of the site. However, as the trees closer to Coles Green Road would be retained, the area would keep some of its verdant quality when seen from

Coles Green Road. As such, while the harm to the visual amenity of the immediate area to the rear of the site would be significant, the harm to the surrounding wider area that would result from the removal of these trees would be moderate.

20. The trees labelled T13, T14 and T15 on the Tree Removal Plan are Category C trees that have a moderate height and contribute significantly to the verdant quality at the rear of the site. However, they are not directly visible from Coles Green Road. Therefore, they provide a limited contribution to the wider character and appearance of the area.
21. Accordingly, their removal would have a limited impact on the visual amenity of the wider area. However, they are visible from the rear of the site and the access road to the north of the site. As such, overall, their removal would have a moderate effect on the visual amenity of the area.
22. The foundations for the basement of the proposed new building, the farmhouse extension and the external staircase would extend into a small portion of the Root Protection Area (RPA) for retained trees T10, T16 and T18. A concrete column would also be installed within the RPA of T10. The Arboricultural Report sets out a number of mitigation measures to protect the trees. The measures include sheet piling to avoid disturbing the soil beyond the foundation. In addition, the upper part of the soil to be dug for the circular column would be excavated by hand and roots to be pruned. Therefore, given the evidence, I am satisfied that a suitably worded condition would mitigate any risk of harm to the health of these trees.
23. The canopy of T10 is proposed to be pruned and reduced by a moderate amount. As the other trees closer to Coles Green Road would be retained, the effect on the visual amenity of the wider area would be moderate. The canopy of T12 would require some light pruning to gain clearance over the listed building. As the extent of pruning would be limited, there would be a minor effect on the visual amenity of the area as a result.
24. The proposed replacement of existing hard surfacing would be within the RPA of a number of the retained trees that are subject to TPO. However, I see no reason why the proposed mitigation measures, such as the use of hand tools, would not adequately alleviate any risk to the health of the trees.
25. A number of trees are proposed to be planted. In the short term, they would not adequately mitigate against the harm to the visual amenity of the area that would result from the proposed removal and pruning of the existing trees. However, a suitably worded condition requiring the details of the proposed trees could partially mitigate against any long-term harm.
26. Consequently, the proposed new building and loss of trees would adversely affect the character and appearance and visual amenity of the area. Therefore, the proposal would conflict with Policies DMP1 and BD1 of the Brent Local Plan 2019 – 2041 Adopted February 2022 (BLP) which seek, among other things, development that complements the locality and high quality design. It would also conflict with Policy D3 of The London Plan The Spatial Development Strategy for Greater London March 2021 (London Plan) which seeks, among other things, development that enhances local context. In addition, the proposal would conflict with BLP Policy BG12 which seeks equivalent replacement canopy cover for trees that are not retained.

27. As the new building would be seen primarily in close views, and the trees proposed to be removed and pruned are largely at the rear of the site, the overall harm to the character and appearance and the visual amenity of the area would be moderate.

Family sized homes and accessible housing

28. BLP Policy BH6 seeks to deliver a target of 25% of new homes as family sized (3 bedrooms or more) dwellings. For every four dwellings included within developments at least one must be 3 bedrooms or more.
29. The scheme would provide two four bedroom dwellings and all other proposed dwellings would be either one or two bedroom properties. Accordingly, the proposal would conflict with this part of the policy.
30. However, the Policy goes on to say that exceptions to the provision of family sized dwellings will only be allowed where the applicant can show that a) the location or characteristics of the development are such that it would not provide a high quality environment for families, or b) its inclusion would fundamentally undermine the development's delivery of other Local Plan policies.
31. I note the Appellant's evidence that increasing the number of bedrooms would reduce the overall number of dwellings and would thus negatively affect the viability of the scheme. In addition, the Appellant's Viability Study concludes that the provision of affordable housing would not be viable. However, a viability study demonstrating that the provision of 3 bedroom dwellings would be unviable has not been provided. Moreover, each of the two-bedroom units would provide internal areas larger than the required standards for properties of this size and in some cases in excess of the required standards for three-bedroom four person dwellings. Accordingly, it has not been shown that the scheme could not accommodate a greater proportion of three bedroom dwellings. As such it has not been demonstrated that the provision of three bedroom dwellings would meet either of the exceptions stated in BLP Policy BH6.
32. I note the evidence regarding London Plan Policy H10 and other approved schemes in the area. However, this does not alter my finding with respect to BLP Policy BH6.
33. Turning to the matter of accessible homes, London Plan Policy D7 part A1 requires that at least 10 per cent of dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. As the proposal would provide two dwellings that meet this criterion, this part of the Policy is satisfied.
34. The second part of the Policy requires that all other dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. As the other dwellings in the new building would not be accessible by lift, the scheme would conflict with this Policy.
35. I note the evidence regarding the Mayor of London Housing Supplementary Planning Guidance March 2016 (HSPG). Given the location of the site surrounded by built development, the proposed new building could be considered an infill development. However, there is little viability evidence before me to clearly demonstrate that the provision of a lift would make the

scheme unviable. In any event, this matter has not altered my finding on accessible homes.

36. Consequently, the proposal would not provide sufficient provision of family sized homes and accessible housing. Therefore, it would conflict with BLP Policy BH6 and London Plan Policy D7 which seek, among other things, to deliver a target of 25% of new homes as family sized dwellings and 90 percent of dwellings that meet Building Regulation requirement M4(2).
37. Given the modest size of the proposal, the harm to the strategic aims of the policies would be moderate.

Privacy

38. The new building would have windows facing the listed building and Kazakh House to the rear. The separation distance between the windows of the new building and Kazakh House would be around 15m and the distance from the proposed balconies to the Kazakh House around 11m.
39. The Brent Design Guide SPD 1 Nov 2018 (SPD) states that directly facing habitable room windows will normally require a minimum separation distance of 18m, except where the existing character of the area varies from this.
40. The HSPG refers to separation distances of 18 – 21m and states that these can still be useful yardsticks for visual privacy, but adhering rigidly to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density.
41. The surrounding flats are generally in closer proximity to each other and the listed building than the 18m stated in the SPD. However, there would nonetheless be a modest distance between the rear of the new building and Kazakh House. Future occupiers of the proposal at first, second and to a lesser extent, third floor would be able to see into the windows of the habitable spaces of Kazakh House from a moderate distance.
42. The balcony balustrade is proposed to be of solid metal panels. Therefore, the future occupiers would only be able to see into the windows of Kazakh House when standing at the balcony or in their rooms. Therefore, while the proposal would result in an adverse effect on the living conditions of neighbouring occupiers, the harm would be moderate. Similarly, the adverse effect on the living conditions of future occupiers of the new building would also be moderate.
43. The separation distance from the windows of habitable rooms at first and second floor of the new building and the rear windows of the listed building would be around 16m. However, the rear windows of the listed building at ground floor would serve kitchen / dining areas and there would be only one window serving a bedroom at first floor facing the new building.
44. In addition, given the modest distance between the listed building and the walkways of the new dwelling, users of the walkway would be able to see into the private amenity spaces and the first floor bedroom window of the listed building. Accordingly, the harm to the living environment of future occupiers of both the new building and the listed building with respect to privacy would be moderate.

45. Consequently, the proposal would adversely affect the living conditions of neighbouring occupiers and would not provide a suitable living environment for future occupiers with regard to privacy. Therefore, the scheme would conflict with BLP Policy DMP1 which seeks, among other things, development that provide high levels of internal and external amenity.
46. Given the modest separation distances and the proposed solid balcony balustrades, the harm would be moderate.

Listed building

47. Oxgate Farm is a Grade II* listed building with significant timber-framed structure. The list entry dates the building to the 16th and 17th century. However, the Report On The Present Condition Of The Fabric With Proposals For Safe-Guarding Works undertaken of behalf of Historic England dates the oldest part of the building to 1405 or 1480. It also states that Oxgate Farm existed as a Prebendary building in the mid-15th century. It was under the auspices of the Prebend of St. Paul's Cathedral and appears to have remained in that ownership until the seventeenth century.
48. As stated in the listing, Oxgate Farm is probably the oldest surviving house in the borough. The Heritage Statement states that the building is the only surviving building of the Manor of Oxgate.
49. The building is mostly of a post and beam construction and comprises three principle parts. The central part of the building is the oldest 15th century element. A 17th century part to the south is also timber framed. In addition, there is a small single storey extension to the oldest part of the building.
50. The Heritage Statement says that there are few historic assets in the immediate area outside central London which illustrate the evolution of a building type to serve an evolving way of life. The plan form shows the way in which cellular living in individual rooms was taking over from single space communal living.
51. The 17th century extension has resulted in a double gable roof form with valley gutter that is a prominent feature in the street scene. The letter from Historic England also states that the building retains a high degree of historic fabric including its original plan form, chimney breasts, staircases, and historic panelling.
52. Accordingly, the building's historic and architectural interest lies in its medieval origins and the way it provides evidence of a rural way of life in the farmland that surrounded London. The numerous extensions and interventions to the building show the evolution of the building and speak to historic societal changes from communal living to cellular.
53. As such the significance of the listed building insofar as it relates to this appeal lies in its exceptional historic and architectural interest.
54. The proposed repair, conversion and extension of the farmhouse and its annex would result in a loss of the legibility of its plan form.
55. The setting of Oxgate Farm would historically have been rural in character. This setting has been eroded considerably over time and the building now fronts a busy road and is surrounded by modern residential and commercial

development. As I observed during the site visit, little remains of the historic open rural setting other than the rest of the site to the rear of the building. Accordingly, the existing setting provides little contribution to the significance of the listed building.

56. The proposed new building would introduce a four storey building in close proximity to the listed building. As such it would further urbanise the setting of the farmhouse, thereby causing harm to its significance.
57. Consequently, the proposal would harm the Grade II* listed building and its setting. Therefore, it would conflict with BLP Policy BHC1 and London Plan Policy HC1 which seek, among other things, to conserve the significance of heritage assets.
58. As the loss to the legibility of the plan form of the listed building would be minor, the harm to the significance of the listed building would be less than substantial.
59. Given the limited contribution that the setting makes to the significance of the listed building, this harm would also be less than substantial.

Heritage Balance

60. Paragraph 202 of the National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
61. The proposed new building is being put forward as enabling works for the restoration of the listed building. Accordingly, paragraph 208 of the Framework is also engaged. It says that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.
62. The property's condition has been deteriorating for almost two decades. Examples of the substantial deterioration of the listed building include structural failure of the beam on the front elevation of the seventeenth century part of the house, causing gradual collapse of the first floor structure. Significant areas of external render have also been damaged such that the lath has been exposed to deterioration by the weather.
63. Numerous attempts have been made to stop further deterioration including baulks of timber reinforced with raking scaffold poles and cement render on the external walls. As confirmed by Historic England, despite such attempts to arrest its decline, the building remains structurally vulnerable, and is propped in several locations.
64. Therefore, the building is on Historic England's Risk Register at highest priority, which indicates an immediate risk of further rapid deterioration or loss of fabric; with no solution agreed.
65. The Framework requires that great weight should be attached to a designated heritage asset's conservation (and the more important the asset, the greater the weight should be). Given the immediate risk of rapid deterioration of the

listed building, and its exceptional historic and architectural interest, I attach very significant weight to the public benefit of securing the future conservation of the heritage asset that would result from the restoration works to the listed building.

66. Accordingly, the public benefit of restoring the listed building outweighs the less than substantial harm to the listed building and its setting.

Planning Balance

67. As discussed earlier, the conflict with the development plan policies relating to character and appearance and visual amenity, the provision of family sized homes and accessible housing and relating to privacy would result in moderate harm.
68. Balanced against this moderate harm, is the public benefit of restoring the listed building which is a material consideration in favour of the scheme to which I attach very significant weight.
69. Therefore, the other material considerations in this case warrant a decision other than in accordance with the development plan.

Planning Obligation

70. The s106 legal agreement secures provisions relating to: affordable housing; sustainability and energy including carbon offset contribution; 'Be Seen' energy monitoring and listed building maintenance plan.
71. I am satisfied that in each case the obligations meet the three tests set out in Paragraph 57 of the Framework for planning obligations, which reflect those set out in Regulation 122 of the Community Infrastructure Levy (2010). As a result, I have taken the s106 into account.

Conditions

72. Conditions relating to time limits, specifying plans and basement layout are necessary in the interests of certainty.
73. Conditions relating to external materials and landscaping are necessary to safeguard the character and appearance of the area. In order to protect the trees, conditions regarding tree protection and pruning are necessary.
74. In the interests of highway safety, the conditions relating to the oversailing balcony and surfacing and lighting at Dignam Close are necessary. A condition regarding EV charging is necessary for sustainability.
75. Conditions relating to a Construction Logistics Plan, noise of plant and screening to the windows of the south elevation are necessary to safeguard the living conditions of neighbouring occupiers. The condition regarding air quality is necessary to safeguard the living environment future occupiers.
76. In the interests of wildlife and biodiversity, conditions relating to bats and ecology are necessary. The conditions relating to archaeology are necessary to record items of archaeological significance. In the interests of flooding a condition relating to sustainable drainage is necessary.
77. The conditions relating to the listed building restoration, basement layout, oversailing balcony, tree protection, tree pruning, landscaping, Construction

Logistics Plan, bats, ecology and air quality need to be pre-commencement as they would be likely to affect the early stages of construction.

78. The conditions relating to the listed building are not necessary as they would be likely to be covered by any listed building consent.

Conclusion

79. For the reasons given above the appeal should be allowed.

R Sabu

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1833-P002-S2-P0-Site Location Plan – Proposed
 - 1833-P110-S2-P0-Farmhouse-GF Plan-Existing and Demolition
 - 1833-P111-S2-P0-Farmhouse-1F Plan-Existing and Demolition
 - 1833-P112-S2-P0-Farmhouse-2F Plan-Existing and Demolition
 - 1833-P113-S1-P0-Farmhouse-Roof Plan-Existing and Demolition
 - 1833-P211-S2-P2 East Elevation – Proposed
 - 1833-P212-S2-P0-West Elevation - Proposed
 - 1833-P213-S2-P0-North Elevation - Proposed
 - 1833-P214-S2-P0-South Elevation - Proposed
 - 1833-P215-S2-P0-East Elevation - Farmhouse - Proposed
 - 1833-P216-S2-P0-West Elevation - Farmhouse - Proposed
 - 1833-P217-S2-P0-North Elevation - Farmhouse - Proposed
 - 1833-P218-S2-P0-South Elevation - Farmhouse - Proposed
 - 1833-P304-S2-P0-Section AA - Proposed
 - 1833-P305-S2-P0-Section BB - Proposed
 - 1833-P306-S2-P0-Section CC - Proposed
 - 1833-P307-S2-P0-Section DD - Proposed
 - 1833-P099-S2-P0-Basement Floor Plan - Proposed
 - 1833-P100-S2-P3 Ground Floor Plan – Proposed
 - 1833-P101-S2-P0-First Floor Plan - Proposed
 - 1833-P102-S2-P0-Second Floor Plan - Proposed
 - 1833-P103-S2-P0-Third Floor Plan - Proposed
 - 1833-P104-S2-P0-Roof Plan - Proposed
 - 1833-P120-S2-P0-Farmhouse-GF Plan-Proposed
 - 1833-P121-S2-P0-Farmhouse-1F Plan-Proposed
 - 1833-P122-S2-P0-Farmhouse-2F Plan-Proposed
 - 1833-P123-S2-P0-Farmhouse-Roof Plan-Proposed
 - 1833-P501-S2-P0-Dwelling F01-Front Room-Proposed
 - 1833-P503-S2-P0-Dwelling F01-Rear Room-Proposed
 - 1833-P504-S2-P0-Dwelling F01-Bedroom-Proposed
 - 1833-P506-S2-P0-Dwelling F02-Living Room-Proposed
 - 1833-P508-S2-P0-Dwelling F02-Kitchen and Dining -Proposed
 - 1833-P510-S2-P0-Dwelling F02-Bedroom 01-Proposed
 - 1833-P512-S2-P0-Dwelling F02-Bedroom 02-Proposed
 - 1833-P514-S2-P0-Dwelling F02-Bedroom 03-Proposed
 - 1833-P516-S2-P0-Dwelling F02-Bedroom 04-Proposed
 - 1833-P518-S2-P0-Dwelling F02-Bathroom 01-Proposed
 - 1833-P520-S2-P0-Dwelling F02-Bathroom 02-Proposed
 - 1833-P522-S2-P0-Dwelling F02-Hallway 02 and 03-Proposed
 - 1833-P524-S2-P0-Dwelling F02-Hallway 04 -Proposed
 - 1833-P526-S2-P0-Dwelling F02-Staircase -Proposed
 - 1833-P529-S2-P0-Dwelling F03-Living Room -Proposed
 - 1833-P531-S2-P0-Dwelling F03-Kitchen and Dining Room -Proposed
 - 1833-P533-S2-P0-Dwelling F03-Bedroom 01 -Proposed
 - 1833-P535-S2-P0-Dwelling F03-Bedroom 02 -Proposed
 - 1833-P537-S2-P0-Dwelling F03-Bedroom 03 -Proposed
 - 1833-P539-S2-P0-Dwelling F03-Bedroom 04 -Proposed

- 1833-P541-S2-P0-Dwelling F03-Bathroom 01 -Proposed
 - 1833-P543-S2-P0-Dwelling F03-Hallway 01 and 02 -Proposed
 - 1833-P545-S2-P0-Dwelling F03-Staircase -Proposed
- 3) Prior to the commencement of development, details of the basement layout, including car lift doors and bicycle parking provision, shall be submitted to and approved by the local planning authority and thereafter constructed.
- 4) Prior to the commencement of development, further details of protection measures for the oversailing balcony at first floor level from high-sided vehicles using Dignam Close shall be submitted to and approved by the local planning authority and thereafter implemented.
- 5) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of retained trees in accordance with BS5837: 2012 including a Tree Protection Plan (TPP, at para. 5.5 BS 5837) and an Arboricultural Method Statement (AMS, at para. 6.1 BS 5837) shall be submitted to and approved in writing by the local planning authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/utilities/drainage.
- b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA that may impact on the retained trees (including for the construction of the basement level).
- d) A full specification for the installation of boundary treatment works.
- e) A full specification for the construction of any roads, parking areas and driveways to be constructed using a no-dig specification including the extent. Details shall include relevant sections through them.
- f) Detailed levels and cross sections to show that the raised levels or surfacing, where the installation of no-dig surfacing within the RPA is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction activities in this area clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
- k) Boundary treatments within the RPA.
- l) Methodology and detailed assessment of root pruning.

- m) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- n) Reporting of inspection and supervision.
- o) Methods to improve the rooting environment for retained trees and landscaping.
- p) Veteran and ancient tree protection and management.

The development thereafter shall be implemented in strict accordance with the approved details.

- 6) Prior to the commencement of the development hereby approved (including all preparatory work), details of all proposed Access Facilitation Pruning (see BS5837:2012 for definition) shall be submitted to and approved in writing by the local planning authority. The approved tree pruning works shall be carried out in accordance with BS3998: Tree Work Recommendations (or equivalent BS if replaced). The development thereafter shall be implemented in strict accordance with the approved details.
- 7) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - Provision of any walls, fences, gates or other form of boundary treatment to be provided or retained;
 - Details of hard surfacing, including details of permeable paving, tree pit design, underground modular systems, sustainable urban drainage systems etc.
 - Existing and proposed functional services above and below ground (e.g. drainage, power, communications, shared ducting provision, indicating alignments, levels, access points, supports as relevant, lighting, floodlighting, CCTV;
 - Details of soft landscaping works shall include [planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment), and schedules of plants noting species, plant supply sizes and proposed numbers/densities].

There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the local planning authority. Unless required by a separate landscape management condition, all soft landscaping scheme shall incorporate written five year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the local planning authority, replacement planting shall be in accordance with the approved details.

- 8) Prior to the commencement of development, a Construction Logistics Plan shall be submitted to and approved in writing by the local planning authority including outlining measures that will be taken to control dust, noise and other environmental impacts of the development. The development shall thereafter be carried out in accordance with the approved details.
- 9) Prior to the commencement of development, two separate bat emergence / return survey visits shall be carried out. The surveys shall be spaced two weeks apart and should be undertaken between May and September inclusive, with one of the surveys undertaken between May and August. The findings shall be submitted to the local planning authority. Subject to the findings, further submission of mitigation measures shall be submitted in writing. The development shall thereafter be carried out in accordance with the approved details.
- 10) The recommendations as contained within the Preliminary Ecological Appraisal prepared by TSA Ecology and dated June 2022 shall be adhered to in full throughout the full period of construction of the development hereby approved. Further details shall be submitted to and agreed by the local planning authority prior to the commencement of development outlining measures that will be taken to protect ecology including the implementation of mitigation measures set out in the approved Ecological Impact Assessment. The development shall then be carried out in accordance with approved details.
- 11) Prior to the commencement of development, an Air Quality Neutral Assessment must be undertaken in accordance with guidance published by the Greater London Authority (GLA) and submitted to the local planning authority for approval. The assessment shall include mitigation proposals should it be found that the development is not air quality neutral. The development shall thereafter be carried out in accordance with the approved details.
- 12) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, in demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.
- 13) If heritage assets or archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include
 - a) The statement of significant and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - b) Where appropriate, details of a programme for delivering related positive public benefits.

- c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. The part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
- 14) Prior to commencement of superstructure works, details of materials for all external work shall be submitted to and approved in writing by the local planning authority. The work shall be carried out in accordance with the approved details.
- 15) Prior to commencement of superstructure works, details of the screening to the window(s) and balconies located on the first, second and third floor within the southern façade of the new building (Block B) shall be submitted to and approved in writing by the local planning authority. The main south facing windows serving the living/kitchen/dining rooms of units B-02-04, B-01-04, AND B-03-03 building must be—
- (i) obscure-glazed, and
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;
- and shall be permanently maintained in that condition thereafter.
- 16) The development hereby approved shall not be occupied until such time as works to improve the surfacing, lighting and drainage of Dignam Close have been completed.
- 17) Prior to the occupation of development, at least two spaces shall be provided with electric vehicle charging points, which shall be retained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.
- 18) Any plant shall be installed, together with any associated ancillary equipment, so as to prevent the transmission of noise and vibration into neighbouring premises. The rated noise level from all plant and ancillary equipment shall be 10dB(A) below the measured background noise level when measured at the nearest noise sensitive premises. The plant shall thereafter be installed and maintained in accordance with the details.
- 19) The sustainable drainage systems as contained within the Flood Risk Assessment Surface Water Drainage Strategy prepared by conisbee dated 16 May 2022 shall be adhered to and implemented in full prior to the occupation of the development hereby approved.

END OF SCHEDULE

APPEARANCES

FOR THE APPELLANT:

Kimberley Ziya	Landmark Chambers
Scott Hudson	Director at Savills Planning
Richard Ketelle	Savills Planning
Stephen Davy	Director at Stephen Davy Peter Smith Architects
Harry Leung	Associate at Stephen Davy Peter Smith Architects
Maxwell Hutchinson	Historic buildings consultant
James Proctor	

FOR THE LOCAL PLANNING AUTHORITY:

Lena Summers	Planning officer
Curtis Thompson	Planning officer
John Stiles	Principle Urban Design Officer
Julie Hughes	Principle Tree Officer
Alastair Westlake	Regeneration Team
John Fletcher	Transport Planning
Mark Price	Principle Heritage Officer

DOCUMENTS

Mayor of London Housing Supplementary Planning Guidance March 2016
Signed and dated S106 agreement
BLP Policy BHC1