

Tower House  
29 Melbury Road  
London W14 8AB  
18.2.15

Planning and Borough Development Department  
Royal Borough of Kensington and Chelsea  
Hornton Street  
London W8 7NX

FAO Cheryl Saverus

Dear Madam

Proposal for works to Woodland House, 31 Melbury Road, London W14 8AB – Planning reference no PP/15/00305 & LB/15/00306

I am the owner of 29 Melbury Road, also known as The Tower House, which I have occupied as a private house since 1972. The Tower House was built in the 1870s by the eminent Victorian architect, William Burges, for his own use. Burges designed the house when he was at the height of his powers and it has been described by his biographer, J Mordaunt Crook, as *an extraordinary distillation of his artistic career*. As you will know, the Tower House is listed grade I and is thus architecturally and historically one of the most important buildings in the Borough. I believe the house was one of the first Victorian buildings in the country to be listed and was saved by John Betjeman and Evelyn Waugh who, amongst others, campaigned against the threat of its demolition in the early sixties. Having myself protected the Tower House for over forty years, I am now faced with having to fight a new threat to this precious and unique building.

Although relatively plain on the outside, the interior of The Tower House is richly decorated with a variety of finishes/techniques designed in a highly original manner. Many of these finishes and fittings are extremely delicate and, of course, irreplaceable and include stained glass, decorative plasterwork, painted ceramic tiling and painted frescoes. The interior is complete and unblemished without any significant damage or subsequent alterations. The garden to the rear of The Tower House was also laid out by Burges and, although this has evolved since his time, much of the structure and planting of his garden survives as well as the brick boundary wall dividing my property from Woodland House.

I believe during the period I have been fortunate to own the Tower House I have been a responsible custodian of Burges' masterpiece and my efforts in conserving the building have been described by English Heritage as 'exemplary'. I have recently commenced a programme of conservative repairs of external masonry but I am now worried this will be for nothing.

The latest proposal for 31 Melbury Road seeks to create a new double-floored basement below the existing garden. I understand this will be to an overall depth of over 10 metres, with much deeper excavation for the supporting pile foundations, and with an area (at over 220 square metres) not much less than the footprint of the main house. The proposal appears to be to build the excavation within 5 metres of the boundary with my garden.



Similar schemes have been carried out on other properties in the area locally and each time the level of vibration caused during the works has caused concern about the effect on decorative finishes in The Tower House. The work now proposed to Woodland House is much nearer than other major excavations carried out so far and the consequences for the building fabric and decorative finishes of The Tower House may well be catastrophic if this project is allowed to proceed.

As an example of development elsewhere giving rise to concerns about the proposals for Woodland House, recent exploratory works to 27 Melbury Road on the other side of The Tower House (which I understand were to investigate the ground conditions below the house in preparation for the planning application in 2014 for a similar basement development) caused an alarming level of vibration within the Tower House and led to the fall of dust/debris in several rooms on the *west* side of the house, even though these works were only of a preliminary nature.

I believe the type, density and maturity of trees growing in the garden of Woodland House is essential to the character of the site and very much links up with the treatment of the garden of The Tower House and indeed with the grounds of Holland Park and the immediate hinterland. The name of the house implies this was ever so. The proposal to construct a large basement development in the centre of the back garden inevitably means a significant number of existing mature and semi-mature trees will be removed and the central area cannot be replanted. I believe this will affect for the worse the existing verdant qualities of this part of Melbury Road/Ilchester Place; the atmosphere currently enjoyed from The Tower House, especially the rooms to the north, of being surrounded by dense foliage will be lost.

For the reasons given above, I strongly oppose the proposals and urge the council to **refuse** the application for the works to Woodland House.

I am enclosing letters written to me by the conservation architect, Andrew Townsend, and by the conservation structural engineer, David Evans, in which they clearly state the threat to The Tower House if the proposals for Woodland House go ahead and I would be very grateful if you could take these letters into account when deliberating on this application.

Yours faithfully

J. Page



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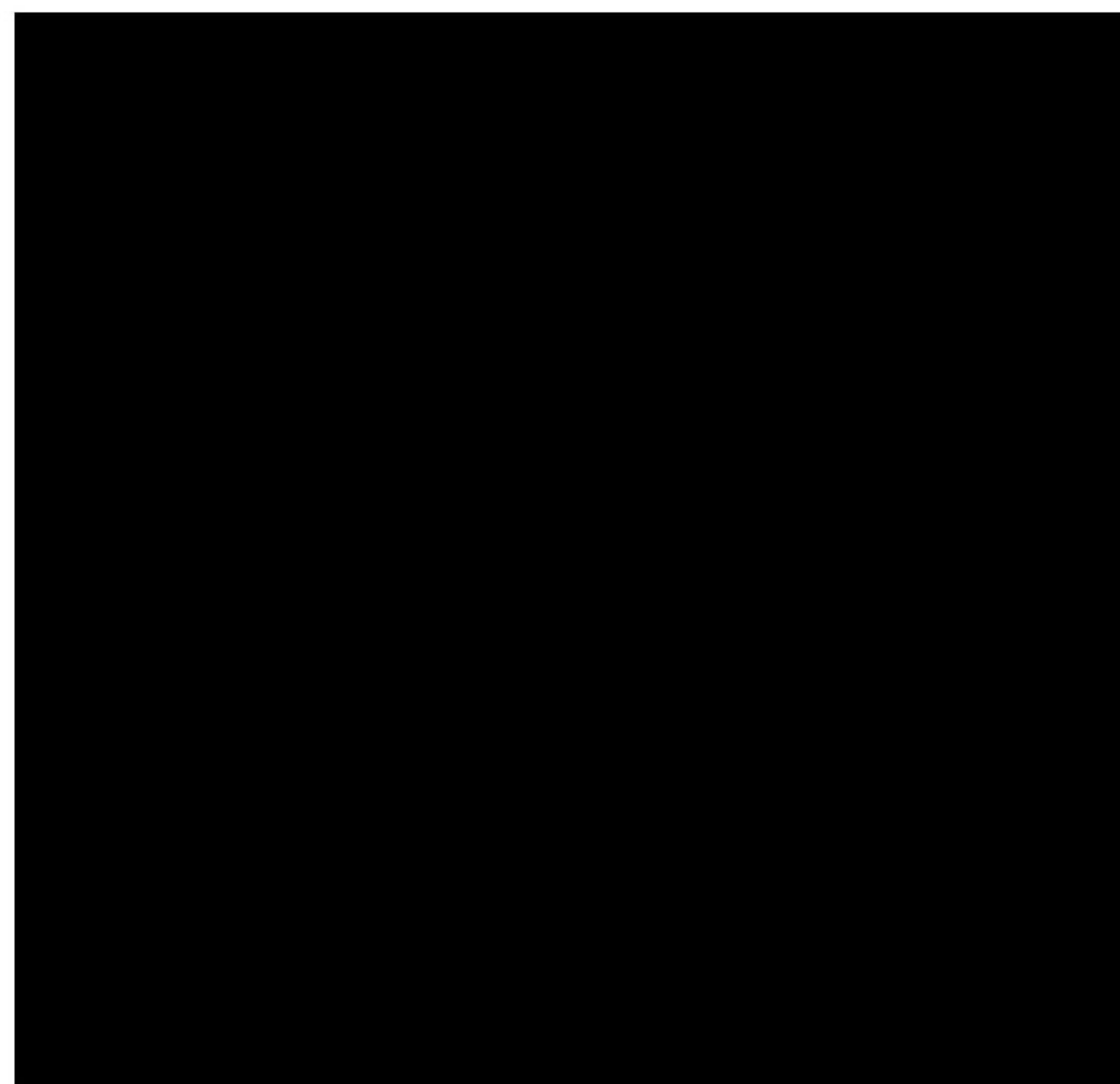
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Yours faithfully





# ANDREW TOWNSEND ARCHITECTS

HISTORIC BUILDINGS CONSULTANTS

MARLBOROUGH HOUSE 2 BROMSGROVE FARINGDON OXON SN7 7JQ

Mr J Page  
The Tower House  
29 Melbury Road  
London  
W14 8AB

AT/HW/843/Cli

17<sup>th</sup> February 2015

Dear Mr Page

Proposed works to Woodland House, Melbury Road, W14 8AB ref PP/15/00305 & LB/15/00306

Following our recent meeting at your house to consider the potential effects of the proposed works to Woodland House (31 Melbury Road) on The Tower House, I confirm the following:

- i) The interior decoration of The Tower House is a magnificent *tour-de-force* and is strikingly complete. It is the culmination of the life's work of the highly original and influential architect, William Burges. It has been compared favourably by contemporary and more modern commentators with other iconic private houses, such as William Morris' Red House in Bexleyheath, and is one of the most important houses built in this country in the nineteenth century. You have clearly cared for the house and maintain it admirably in its original configuration and with original finishes and fittings. I noted on a previous visit to the house you have recently carried out repairs to external masonry using conservative methods and following the principles of SPAB. I understand this is part of a programme of more extensive repairs you are planning for other areas of the external fabric as part of your long-term and careful stewardship of The Tower House.
- ii) I have inspected the condition of the house concentrating on the interior of the rooms on the east side ie nearest to 31 Melbury Road. The ground, first and second floor rooms contain a wealth of complex and often fragile detail. Although most of the rooms in the house have surface decoration in abundance, of particular note are the painted decorative surfaces in the drawing room and the hall and the extensive use of decorative glass in the large east window in the hall. Many rooms on the east side of the house, including the drawing room, have magnificent and highly decorative fireplaces.
- iii) There are signs of previous structural movement in the walls on the east side of the house, manifest in several cracks to decorative internal finishes, particularly in the hall. As a consequence, some of the finishes are likely to be slightly unstable, especially the decorative work to the walls and ceiling of the hall. Although these areas may remain perfectly satisfactory under current static conditions, excessive vibration from building works to the adjoining property could have disastrous effects



on these decorative finishes. It has been noted that the materials used in the construction of the Tower House are those developed during the nineteenth century and are of a relatively rigid and brittle nature (as opposed to the more 'flexible' lime-based technology of earlier buildings) and the surface finishes are therefore particularly sensitive to movement due to external forces.

- iv) Information is provided with the current application for Woodland House on the proposed methods for carrying out the structural work in the form of a structural engineer's report and a *construction management plan and method statement* prepared by a building contractor. The documents submitted indicate that excavation will occur to form the proposed subterranean development in the garden to a depth of at least 10 metres from the existing ground level with piling going much deeper. The proposed additional basement levels indicated in the architect's drawings submitted with the application are within 5 metres of the boundary with The Tower House and no doubt excavation for the proposed development will extend closer to the boundary. According to the application documents, the proposed basement development is 13.4 metres from the main part of The Tower House (although this appears to be contradicted by the lower ground floor plan shown in the *construction management plan* where the proposed basement is shown much closer to the boundary wall/Tower House). Although the structural engineer's report asserts that 'Special consideration has been given to No. 29 Melbury Road, the Tower House..', there is no firm evidence in the documents submitted with the planning application that structural and/or cosmetic damage will not occur to The Tower House during the proposed works. The structural report provides no detail of precise measures to be taken to ensure that damage will not occur to The Tower House and is very much conditional upon investigations and design work to be carried out *in the future*. If permitted, there must therefore be serious and very real concern that major vibrations will be transferred to the building fabric of The Tower House during the proposed works, thus creating the potential for damage to the fabric of the house and especially to the decorative finishes in the rooms on the east side of the house.
- v) As noted above, the proposed works are likely to encroach on the boundary wall between Woodland House and The Tower House. The wall is constructed in hand-made brickwork, appears to be contemporary with the construction of The Tower House and contributes very much to the setting of the building. There has been some movement in the wall previously and the possibility of deep excavation and vibration in close proximity to the wall gives rise to concern that further structural movement and possible collapse may occur.

Please do not hesitate to contact me if you require any further information.

Yours sincerely



ANDREW TOWNSEND



# Clive Hudson Associates

## Consulting Structural and Civil Engineers

Chiltern Chambers, 37 St. Peters Avenue, Caversham, Reading. RG4 7DH



our ref: 123978/Melbury Road - 150220  
your ref:

20<sup>th</sup> February 2015

Mr J Page  
The Tower House  
No. 29, Melbury Road  
London  
W14 8AB

Dear Mr Page,

Re: 31 Melbury Road planning ref pp/15/00305 & lb/15/00306

Following our recent correspondence with Andrew Townsend, we are writing to inform you of our concerns regarding the structural implications of the proposed development at No. 31 on your property – the Grade I-listed, Tower House (No. 29 Melbury Road).

These concerns are based on the documents uploaded onto the Royal Borough of Kensington & Chelsea's planning website (<http://www.rbkc.gov.uk/planning/>) and my limited inspection of your house in 2014.

The Royal Borough of Kensington & Chelsea's newly adopted "Basements Planning Policy (Dec 2014)" states:

The significance of heritage assets needs to be identified so that  
the significance is not harmed (Section 34.3.59)

As you know the Tower House was designed by William Burges, one of the greatest architects of the 19<sup>th</sup> century, as his home and contains original and irreplaceable interiors. These unparalleled interiors are of national significance and, we believe, are at serious risk if the applicant's proposals (as they currently stand) are accepted. From the documents submitted we do not believe the applicant's agents have categorically demonstrated that there will be no damage whatsoever to the finishes, fittings or structure of the Tower House during the proposed works, or as a result of the long-term side effects on your property from the proposed development at No. 31.

Both the "Subterranean Development Structural Report" (prepared by Halstead Associates) and the "Construction Management Plan" (prepared by CC Construction) admit there will be ground movement; however they have not quantified in detail (with supporting documentation) how much ground movement they anticipate and what level of damage can be expected to occur to the Tower House' interior and how the design team would intend to repair said damage (if the development is granted). Given the fragile and historically important nature of the Tower House's interior (original William Burges designed tiles and lime-plaster panelling), we would not consider it unreasonable, in the circumstances, for the applicant's agents to have assessed this in great detail as part of their planning application.



Similarly given the un-paralleled nature of the Tower House's interior, we would not consider it unreasonable for the method and frequency of the proposed monitoring to have been discussed in detail with you as part of their application. In our opinion, monitoring should include both positional and vibrational monitoring, be fully automated, be in operation for the duration of the refurbishment project with remote access to data and off-site alarms. We would also recommend that you / your representative has full and un-limited access to this data and be incorporated into the monitoring strategy / process. Baseline monitoring should be undertaken for No. 29 (prior to the works starting) and also on a similar refurbishment scheme for the duration of its works, prior to the refurbishment of No 31 commencing (if the main contractor cannot provide records for a similar project). These records can then be used to establish what levels of vibrations currently exist on site and what levels could be expected (if the scheme is granted is planning permission).

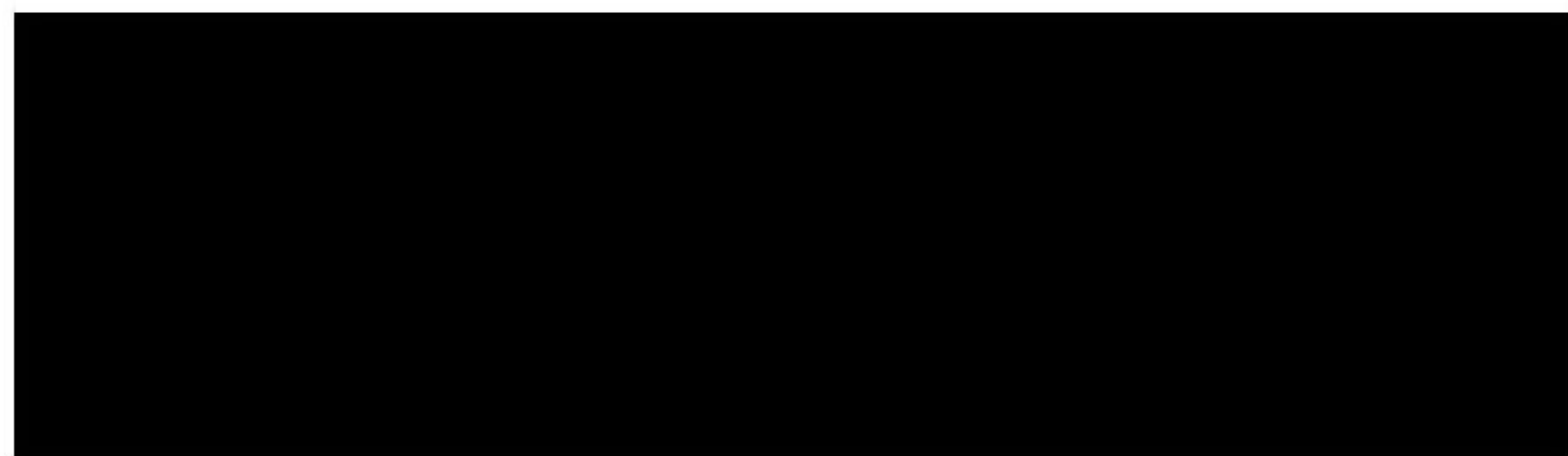
We would also question how the applicant's contractor intends to compact the concrete used for all of the reinforced concrete structural elements (slabs, walls, columns etc); and how any vibration caused by this will affect the Tower House.

In addition to the above, if the application is permitted we would recommend measures are taken to include the following:

- I. regular (un-announced) visits are undertaken by an independent party to ensure that no percussive tools are being used, and that demolition and construction method statements are being adhered to throughout the refurbishment project
- II. any hardcore is rolled rather than compacted into place.

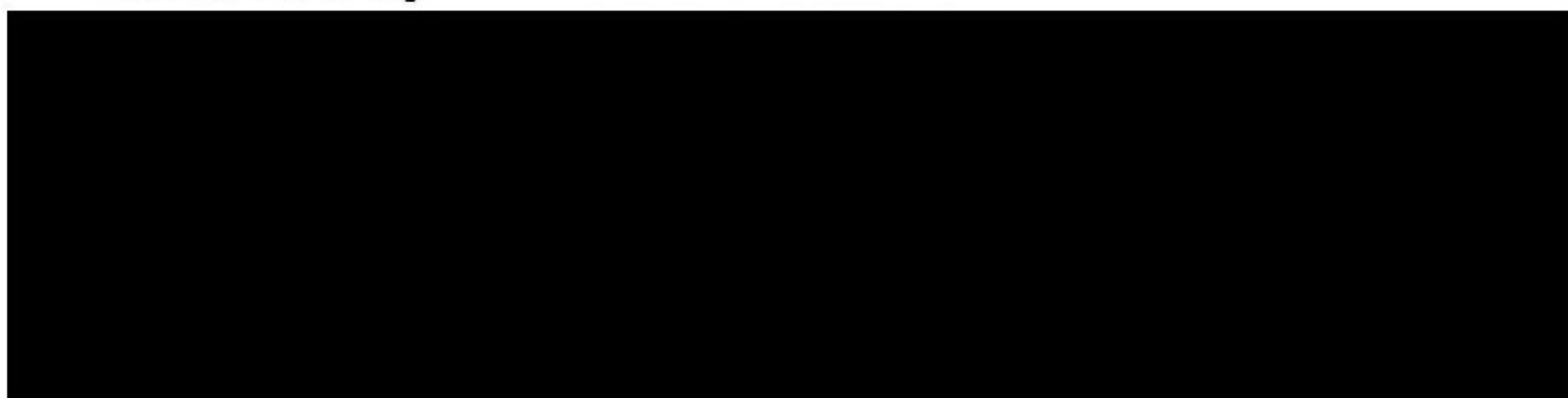
Please do not hesitate to contact us if you have any questions.

Yours sincerely,



David Evans BEng (Hons) MSc (Historic Conservation) SPAB Lethaby Scholar 2008 I.H.B.C.  
Senior Engineer

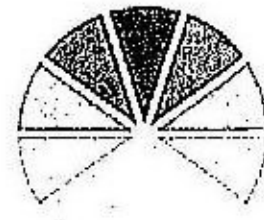
Reviewed by



Eur Ing. Clive N.W. Hudson B.Sc.(Civ.Eng.) C.Eng. M.I.Struct.E.  
Director

On behalf of Clive Hudson Associates Ltd.





# Bell Cornwell

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Please reply to: AMERSHAM

Our ref: 1000/SA

RBKC,  
Directorate of Planning and Borough  
Development,  
Kensington Town Hall,  
Hornton Street,  
London W8 7NX

20<sup>th</sup> February 2015

Dear Sir,

**Re: Applications PP/15/00305 & LB/15/00306 – Woodlands House, 31, Melbury Road, London, W14 8AB.**

I write on behalf of the owner-occupier of the adjoining dwelling, The Tower House, 29 Melbury Road, and confirm that I am authorized by him to **OBJECT** on his behalf to the above applications proposals.

My client has submitted an objection to RBKC, on the following material planning grounds:

- 1) the potential damage to the fabric of The Tower House, which is a Grade I listed building, due to vibration during the excavation and construction works for the proposed basement extension adjacent to it, as evidenced by damage caused by recent site investigation works at 27 Melbury Road;
- 2) the potential damage to the historic boundary wall and thereby harm to the setting of The Tower House;
- 3) the harmful impact from the loss of trees due to the proposed excavation works on the setting of the Grade I listed Tower House and the Grade II\* listed Woodland House. The sylvan setting forms a significant component of the heritage asset value of both the Grade I and the Grade II\* listed buildings;
- 4) the harmful impact from the loss of the trees on their historic contribution as a record of the physical extension of the former the parkland/woodland setting of Holland House;
- 5) the harmful impact of the loss of the trees to the special character of the Holland Park Conservation Area; and
- 6) the harmful impact of the loss of the trees in the mature garden of Woodland House in terms of their significant amenity value, providing enjoyment for those living at The Tower House, both in terms of their intrinsic visual beauty and by virtue of their screening effect along the common boundary, preventing thereby overlooking from upper level rear windows of 31, Melbury Road into the garden of The Tower House.



Our client maintains those objections and wishes to add to them the following considerations:

**1) The new Core Strategy Partial Review Basement Extension Policy CL7:**

Policy CL7 has now been formally adopted by RBKC as part of the "development plan".

This policy is therefore the starting point for assessing the basement extension proposals.

The fundamental change from the adopted 2010 Core Strategy Policy CL2 is that the new Policy CL7 requires the applicant to demonstrate at the original planning application stage that all the criteria a)-n) plus Policy CE2, are satisfied before planning permission is acceptable under this policy.

The wording of Policy CL7 **requires** the applicant to demonstrate compliance.

These criteria matters are not for subsequent consideration under the aegis of Conditions – they are critical considerations in principle, which if not demonstrated in the application documentation, render the proposal to be in conflict with the policy.

If that is the case, then both the applications should be refused, unless other material considerations clearly outweigh that.

In our submission, the Applicant has not demonstrated or suggested that there are any "other material considerations" which would outweigh a failure to comply with this key development plan policy, and we consider that there are none.

If therefore Policy CL7 is not wholly satisfied by the evidence submitted, then the applications should be REFUSED, for failing to comply with the prevailing development plan policy regarding basement extensions.

Applying that approach to the evidence submitted with the applications to each of the specific Policy CL7 criteria:

a) *not exceed a maximum of 50% of each garden* - there is no evidence given regarding the area of the rear garden and the proportion of it which is taken up by the proposed extension.

**On that basis the proposal fails to demonstrate that criterion a) is satisfied.**

The Council has no evidence submitted on which to come to a conclusion on that matter.

b) *not more than one storey* – the existing and proposed drawings confirm that the depth of the proposed basement far exceeds that of a single storey as defined by paragraph 34.3.52 of the Reasoned Justification for Policy CL7.

The site area of the basement is significantly less than 0.5 hectare and is not a "large site" comprising an "urban block", as defined by paragraph 34.3.56 and foot note 9.

This is not therefore an "exception" site and the proposal fails to comply with this criterion.  
**This policy criterion is not satisfied.**

c) *not add a further basement floor* – this does not apply.

d) *no threat to trees of townscape or amenity value* – Harper Downie drawing number 670-S03-P5 shows a swathe of 8 trees to be lost due to this proposal. Their value is as an intrinsic part of the sylvan setting of the listed buildings, as part of the townscape character and appearance of the Holland Park Conservation Area, as an historic record of the former



connection of this area as part of the grounds of Holland House, and as the provider of important visual amenity to the neighbouring residential properties.

This corner site is very visible from the public realm and the loss of these trees will be immediately apparent and harmfully so, for all the above reasons, to all who pass along Ilchester Place and Melbury Road, as well as to those using Holland Park and to the immediate neighbours.

**On that basis criterion d) is not satisfied.**

e) *national policy assessment of harm to the significance of heritage assets* – our client's objections raise concerns about harm to The Tower House in terms of:

1) the potential damage to the highly sensitive aesthetic fabric of the interior of the main Grade I listed house.

So valuable, sensitive and finite is that fabric, that the precautionary principle test should be applied in this instance, as follows:

The **significance of the heritage asset** is of the highest level ***[please refer to the Andrew Townsend Architects letter]***.

Even a **low risk of harm** in those circumstances warrants **NOT** allowing the possibility of harm to come about.

Paragraph 129 of the Framework requires the local planning authority to take this assessment into account, "to avoid or minimize conflict between the heritage asset's conservation and any aspect of the proposal".

In addition, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

Our client has already publicly recorded damage to that fabric caused from recent works at 27 Melbury Road.

The evidence provided by the Appellants does not contain details of how the foundations works will be carried out without **any** risk of damage being caused to The Tower House.

The Applicant has been unable to provide categorical assurance that the proposed works will not lead to damage to The Tower House ***[please refer to the Clive Hudson Associates letter]***.

Consequently, to allow these applications CANNOT be sure "to avoid or minimize conflict".

Neither can it be "desirable for the preservation of the features of both architectural and historic interest" in The Tower House to allow the applications, with the risks which it entails.

There is a demonstrable risk of substantial harm to a heritage asset of highest importance, such that paragraph 132 of the Framework requires that the grant of permission "should be wholly exceptional".

Paragraph 133 makes clear that consent should normally be refused where substantial harm would occur to the significance of a designated heritage asset.

The Applicant's proposals do not satisfy these onerous criteria which are required "as heritage assets are irreplaceable", to quote from paragraph 132 again, and the English Heritage report regarding the extant appeal for 27 Melbury Road highlights the concern of that organization



that there is serious risk to the fabric of The Tower House from excavation works being undertaken in close proximity to it.

Those same concerns for the preservation of Tower House apply with regard to the proposed very deep excavation works at 31 Melbury Road.

**On that basis criterion e) is not satisfied and the applications should be dismissed on these grounds also.**

f) *not excavate under a listed building* – the excavation works appear to stop short of being beneath any listed structure.

g) *not introduce light wells which are seriously harmful to the character and appearance of the locality* – this is left for the Council's assessment, without further comment.

h) *maintain the character and appearance of the building, garden or wider area ...* - as discussed above under criterion d), the proposed loss of 8 trees conflicts with this criterion.

**On that basis criterion h) is not satisfied, further justifying refusal of these applications.**

i) *include SuDS* – this is left for the Council's assessment.

j) *include one metre depth of top soil* – this appears to be shown on the Section drawing.

k) *traffic and construction activity not to place unreasonable inconvenience on the day to day life of those living, working and visiting nearby* – the noise and vibration of the construction works right on the boundary with our client's house is of major concern, both in terms of the adverse impact on normal residential amenity and also in terms of the impact on his own home-working environment, including as it does the study/office at first floor level above the garage, as well as his listening studio [which is not sound proofed] in the basement of The Tower House. Recent experience of noise from the construction works in Melbury Road significantly further away than the appeal site makes the use of that listening studio impossible during these works.

**Based on the evidence of that experience, the proposed works would not satisfy criterion k).**

l) *minimize noise, vibration and dust impacts during construction and keep them to acceptable levels* – as expressed in k) above, the noise and vibration impacts directly adjacent to the property are not likely to be acceptable and have not been demonstrably shown to be so, with the Construction Management Plan report being limited in its discussion of the issue and with no reference to the sensitivity of adjacent The Tower House structure **[please refer to the Clive Hudson Associates letter]**.

**On that basis criterion l) is not satisfied and the appeal should be dismissed accordingly.**

m) *safeguard the structural stability of existing, nearby buildings* – as discussed by our client and his advisers in his objection submission, the submitted evidence has not demonstrated that the proposals WILL safeguard structural stability.

That is a high level of demonstration which is required. The adopted Policy CL2 and earlier judicial review findings (with regard to 10 Strathmore Gardens, London W8) confirmed that the stringency of this test is reasonable and in line with adopted policy requirements.



The concerns expressed by English Heritage technical experts with regard to the proposals at 27 Melbury Road place further doubt on the evidence submitted with the application and reinforce the concern that the tough requirements of this criterion m) have not been demonstrably satisfied.

**On that basis, without that clear demonstration, criterion m) is not satisfied.**

n) install a pump device to protect against sewer flooding – this is left for the Council's assessment.

Policy CE2 Flooding – likewise, the Council are respectfully asked to assess whether the evidence submitted satisfies this criterion.

Based on the overall analysis of the Policy CL7 criteria, this appeal fails its requirement to demonstrate full compliance at this procedural stage, not just on a single criterion, but on many of the listed criteria, sufficient in our respectful submission to wholly justify REFUSAL of this applications.

## **2) The new Core Strategy Partial Review Conservation and Design Policies:**

These policies were adopted on 3<sup>rd</sup> December 2014.

Our client's objections to the impact on the setting of the listed buildings and on the townscape of Ilchester Place and Melbury Road confirm that the proposals do not respect the context and character of the area and fail **Policy CL1** accordingly.

To that extent, they also fail the requirement of **Policy CL2** for all development to deliver the highest architectural and urban design quality.

Given the location in the Holland Park Conservation Area, by the same token, and also with regard to the threat to trees of amenity value, the appeal fails to comply with **Policy CL3** requirements to preserve and to take opportunities to enhance the character and appearance of the conservation area.

The threat to the integrity and the setting of the Grade I and to the setting of the Grade II\* listed buildings fails to comply with **Policy CL4**.

**On that basis the proposals fail Policies CL1, CL2, CL3 and CL4.**


## **3) Conditions:**

Without prejudice to our client's above objections to the applications, if the Council are minded to allow them, we urge that ALL the necessary Conditions are imposed to safeguard against the temporary and long-term impacts of the proposed works, on the listed buildings, on the trees and on neighbouring residential amenity.

That notwithstanding, we respectfully urge the Council to REFUSE these applications for all reasons stated above.

We look forward to your confirmation of receipt of these papers as a "due date" representation.

Yours faithfully,

  
Simon Avery – Partner  
Bell Cornwell LLP.

