

**Planning and Borough Development**

Kensington Town Hall, Hornton Street, LONDON, W8 7NX

**Executive Director Planning and Borough Development**

Graham Stallwood



THE ROYAL BOROUGH OF  
**KENSINGTON  
AND CHELSEA**

Ms L Markham  
Montagu Evans LLP  
5 Bolton Street  
London  
W1J 8BA

Date: 07/03/2018

My Ref: PP/17/07888

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**REFUSAL OF PERMISSION TO DEVELOP**

The Royal Borough of Kensington and Chelsea hereby REFUSES PERMISSION for the development set out in the schedule below.

**Your attention is drawn to the enclosed Information Sheet.**

**SCHEDULE**

<b><u>Development:</u></b>	Demolition of dwelling house and erection of a two storey 2-bedroom detached house with subterranean development
<b><u>Site Address:</u></b>	<b>132B Fulham Road, LONDON, SW3 6HX</b>
<b><u>RBKC Drawing Nos:</u></b>	PP/17/07888
<b><u>Applicant's Drawing Nos:</u></b>	P_000, P_010 Rev 01, P_100 Rev 01, P_101 Rev 01, P_102 Rev 01, P_103 Rev 01, P_104 Rev 01, P_105 Rev 01, P_106 Rev 01, P_200 Rev 01, P_201 Rev 01, P_202 Rev 01, P_203 Rev 01, P_204 Rev 01, P_205 Rev 01, P_206 Rev 01, P_207 Rev 01, P_300 Rev 01, P_301 Rev 01, P_302 Rev 01, P_303 Rev 01, P_304 rev 01, P_400 Rev 01
<b><u>Application Dated:</u></b>	20/12/2017
<b><u>Application Completed:</u></b>	16/01/2018

**REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF**

## **REASON(S) FOR REFUSAL**

1. The proposed replacement dwelling, because of its modern design and materials would harm the setting of the neighbouring Grade II Listed property at 132 Fulham Road and would appear as an incongruous feature adjacent to this listed building. As such, the proposal would fail to comply with the Council's development plan, in particular policy CL4 of the Consolidated Local Plan and the Planning (LB&CA) Act 1990.

## **INFORMATIVE(S)**

1. To assist applicants in finding solutions to problems arising in relation to their development proposals the Local Planning Authority has produced planning policies, and provided written guidance, all of which are available on the Council's website, and offers a pre-application advice service.

Pre-application advice was sought and provided, and improvements recommended during assessment of the application. Unfortunately this advice was not adhered to. Nevertheless, the Council is ready to enter into discussions with the applicants through the advice service to assist in the preparation of a new planning application.

The full report is available for public inspection on the Council's website at <http://www.rbkc.gov.uk/PP/17/07888> . If you do not have access to the internet you can view the application electronically on the ground floor of the Town Hall, Hornton Street, London, W8 7NX.

Yours sincerely,

**Graham Stallwood**  
**Executive Director, Planning and Borough Development**

## INFORMATION SHEET

When a permission or consent is given it does not convey any approval, consent, permission or licence under any Acts, Byelaws, Orders or Regulations other than those referred to in the permission or consent. Nothing in the permission or consent shall be regarded as dispensing with compliance with such other Acts or Byelaws etc.

In respect of planning permission, your particular attention is drawn to the provisions of the Building Act 1984, and the Building Regulations 2010 (as amended).

Also, the Council's permission does not modify or affect any personal or restrictive covenants, easements, etc., applying to or affecting the land or the rights of any persons entitled to the benefits thereof.

Your attention is drawn to applicant's rights arising from the refusal of planning permission or Listed Building Consent, and from the grant of permission/consent subject to Conditions, as follows:

- 1) If the applicant is aggrieved by the decision of the local planning authority to refuse planning permission, Listed Building Consent, or approval for the proposed development; or to grant permission or approval/consent subject to conditions, he may appeal to the Secretary of State, under section 78 of the Town and Country Planning Act 1990, within **six months** of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- 2) If permission to develop land or Listed Building Consent is refused or granted subject to Conditions whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the relevant authority where the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990, or Part 1 Chapter III of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 3) In certain circumstances, a claim may be made against the local planning authority for compensation. The circumstances in which such compensation is payable are set out in Sections 114 of the Town and Country Planning Act 1990, or Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4) The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- 5) The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

