

Other Documents

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DEVELOPMENT CONTROL TECHNICAL INFORMATION

THE ROYAL
BOROUGH OF

ADDRESS 24 NOTTING HILL GATE

24 NOTTING HILL GATE

POLLING DISTRICT PEB



KENSINGTON
AND CHELSEA

- | | | | |
|-----|--|--------|--|
| HB | Buildings of Architectural Interest | LSC | Local Shopping Centre |
| AMI | Areas of Metropolitan Importance | AI | Sites of Archeological Importance |
| MDO | Major Sites with Development Opportunities | SV | Designated View of St. Paul's from Richmond |
| MOL | Metropolitan Open Land | SNCI | Sites of Nature Conservation Importance |
| SBA | Small Business Area | REG 7 | Restricted size and use of Estate Agent Boards |
| PSC | Principal Shopping Centre (Core or Non-core) | ART IV | Restrictions of Permitted Development Rights |

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unsuitable for Diplomatic Use	PSC		LSC	AI	SV	SNCI	REG 7	ART IV
									C	N						
4								✓		✓						

	Within the line of Safeguarding of the Proposed Chelsea/Hackney underground line
	Within the line of Safeguarding of the Proposed Eastwest/Crossrail underground line

Density	
Site Area	
Habitable Rooms Proposed	
Proposed Density	

Plot Ratio	
Site Area	
Zoned Ratio	
Floor Area Proposed	
Proposed Plot Ratio	

Daylighting	Complies	
	Infringes	

Car Parking	Spaces Required	
	Spaces Proposed	

Notes:

24 NOTTING HILL GATE

Property Card N° : 0589 033 00

Sitename :
 Comment :
 TP Arch/History : 33601
 See Also : 24/24A, 24B
 Xref :
 Notes :

PP030311

TP No	Brief Description of Proposal	1 of 7	Adverts & History No
	USE, FOR A LIMITED PERIOD OF 2 FRONT ROOMS ON THE 3RD FLOOR AS AN OFFICE STAFF EMPLOYMENT AGENCY.		CA 1131

Received	Decision & Date
Completd	Conditional 10/02/1949
Revised	LIMITED TO 01/02/1950

TP No	Brief Description of Proposal	2 of 7
	ERECTION OF A NEW SHOP FRONT.	

Received	Decision & Date
Completd	Unconditional 06/05/1954
Revised	

TP No	Brief Description of Proposal	3 of 7
	ERECTION OF A SINGLE STOREY STORE AT THE REAR FOR USE IN CONNECTION WITH THE SHOP.	

Received	Decision & Date
Completd	Unconditional 03/02/1956
Revised	

TP No	Brief Description of Proposal	4 of 7
	USE OF THE 1ST FLOOR AS AN EXTENSION TO THE GROUND FLOOR SHOP.	

Received	Decision & Date
Completd	Unconditional 02/12/1957
Revised	

24 NOTTING HILL GATE

Property Card N° : 0589 033 00

Sitename :
 Comment :
 TP Arch/History : 33601
 See Also : 24/24A, 24B

pp. 30311

Xref :
 Notes :

TP No Brief Description of Proposal 5 of 7

ERECTION OF A 2-STOREY EXTENSION AT BASEMENT LEVEL
 AND GROUND FLOOR LEVELS AT THE REAR OF EXISTING SHOP.

Received	Decision & Date	
Completed	Unconditional	27/01/1966
Revised		

TP No TP/83/1058 Brief Description of Proposal 6 of 7

USE OF THE FIRST FLOOR AS A CHIROPODISTS SURGERY AND
 ANCILLARY WAITING ROOM.
 PERSONAL

Received	Decision & Date	
Completed	Conditional	13/09/1983
Revised		

TP No TP/83/1945 Brief Description of Proposal 7 of 7

USE OF THE 1ST FLOOR AS A CHIROPODISTS SURGERY AND
 ANCILLARY WAITING ROOM.

Received	Decision & Date	
Completed	Conditional	01/02/1984
Revised		

24/24A NOTTING HILL GATE

Property Card N° : 0589 034 00

Sitename :
 Comment :
 TP Arch/History : H 2231
 See Also : Ind. Nos. 24B

PP 30311

Xref :
 Notes :

TP No	Brief Description of Proposal	1 of 8	Adverts & History No
	INSTALLATION OF NEW SHOPFRONTS.		CA 236 (24A)

Received 29/07/1974 Decision & Date
 Complet'd Conditional 18/10/1974
 Revised

TP No	Brief Description of Proposal	2 of 8
TP/75/0843	T.C.P.A. 1971-74 IMPROVEMENTS TO THE OFFICE AND RESIDENTIAL ACCOMMODATION. PROVIDED THE 1ST FLOOR OFFICE AT 24 IS SOLELY ANCILLARY TO GROUND FLOOR SHOP. P.P. NOT REQUIRED. WITHDRAWN	

Received 24/07/1975 Decision & Date
 Complet'd Withdrawn 09/09/1975L
 Revised

TP No	Brief Description of Proposal	3 of 8
TP/88/0667	ERECTION OF A SINGLE STOREY REAR EXTENSION AT BASEMENT LEVEL. (24A)	

Received 16/03/1988 Decision & Date
 Complet'd 28/03/1988 Conditional 29/06/1988
 Revised 08/06/1988

TP No	Brief Description of Proposal	4 of 8
TP/89/2128	CHANGE OF USE OF THE 2ND AND 3RD FLOORS TO OFFICE USE AT NO.24A.	

Received 27/11/1989 Decision & Date
 Complet'd 11/12/1989 Refused 29/08/1990
 Revised 01/08/1990

24/24A NOTTING HILL GATE

Property Card N° : 0589 034 00

Sitename :
 Comment :
 TP Arch/History : H 2231
 See Also : Ind. Nos. 24B

PP: 30311

Xref :
 Notes :

TP No Brief Description of Proposal 5 of 8

**T&CPA 1990 SEC. 172: UNAUTHORISED USE FOR OFFICE
 PURPOSES OF 2ND AND 3RD FLOORS.**

APPEAL LODGED 8.10.90 APPEAL LODGED 19.4.91

Received	Decision & Date	Appeal
Completd	Enforcement Notice	Lodged
Revised	10/09/1990	Y

TP No **TP/93/1092** Brief Description of Proposal 6 of 8

ERECTION OF A REPLACEMENT SHOPFRONT.

Received 17/06/1993	Decision & Date	
Completd 30/06/1993	Conditional	23/09/1993
Revised 31/08/1993		

TP No **TP/93/1093** Brief Description of Proposal 7 of 8

**DEMOLITION OF EXISTING SHOPFRONT.
 CONSERVATION AREA CONSENT**

Received 17/06/1993	Decision & Date	
Completd 30/06/1993	Conditional	23/09/1993
Revised 31/08/1993	CAC	

TP No **PP/02/0527** Brief Description of Proposal 8 of 8

**CHANGE OF USE OF SHOP TO TAKEAWAY AND RESTAURANT. INSTALLATION
 OF EXTRACTION FLUE SYSTEMS INVOLVING ERECTION OF VERTICAL
 EXTRACT DUCT TO REAR ELEVATION.**

Received 12/11/2001	Decision & Date	
Completd 11/03/2002		
Revised	CURRENT	

24B NOTTING HILL GATE

Property Card N° : 0589 035 00

Sitename :
 Comment :
 TP Arch/History :
 See Also : 24, 24/24A

PP:30311

Xref :
 Notes :

TP No TP/85/0098 Brief Description of Proposal 1 of 7
 USE OF THE SECOND AND THIRD FLOORS AS OFFICES.

Adverts &
 History No
 CA/98/258

Received 17/01/1985 Decision & Date
 Completd 22/01/1985 Conditional 13/03/1985
 Revised

TP No TP/93/0599 Brief Description of Proposal 2 of 7
 PARTIAL CHANGE OF USE OF GROUND FLOOR FROM RETAIL
 (CLASS A1) TO BUREAU DE CHANGE (CLASS A2)

Received 02/04/1993 Decision & Date
 Completd 06/04/1993 Conditional 23/08/1993
 Revised

TP No TP/93/1582 Brief Description of Proposal 3 of 7
 REMOVAL OF EXISTING SHOP FRONT.
 (CONSERVATION AREA CONSENT)

****WITHDRAWN BY APPLICANT****

Received 16/09/1993 Decision & Date
 Completd 20/09/1993 Withdrawn 14/02/1996
 Revised

TP No TP/93/1092 Brief Description of Proposal 4 of 7
 ERECTION OF A REPLACEMENT SHOPFRONT.

Received 17/06/1993 Decision & Date
 Completd 30/06/1993 Conditional 23/09/1993
 Revised 31/08/1993

24B NOTTING HILL GATE

Property Card N° : 0589 035 00

Sitename :
 Comment :
 TP Arch/History :
 See Also : 24, 24/24A

PP: 30311

Xref :
 Notes :

TP No TP/95/0496 Brief Description of Proposal 5 of 7

INSTALLATION OF NEW TIMBER SHOPFRONT AND PARTIAL CHANGE
 OF USE OF GROUND FLOOR TO A MIXED USE OF PART RETAIL
 (CLASS A1) AND BUREAU DE CHANGE (CLASS A2).

Received 23/02/1995 Decision & Date
 Completd 08/03/1995 Conditional 01/04/1996
 Revised 07/07/1995

TP No TP/95/0497 Brief Description of Proposal 6 of 7

REMOVAL OF EXISTING SHOPFRONT
 ** THIS PP IS GRANTED ONLY ON THE BASIS THAT THE PROPOSED
 SHOPFRONT, THE SUBJECT OF THIS PP, REF:TP/95/0496, IS CARRIED
 OUT IN ALL PARTICULARS AS SHOWN ON THE APPROVED DRAWINGS **

Received 23/02/1995 Decision & Date
 Completd 08/03/1995 Conditional 01/04/1996
 Revised 07/07/1995 CAC

TP No Brief Description of Proposal 7 of 7

T&CP ACT 1990 (AS AMENDED).
 ENFORCEMENT NOTICE ISSUED AGAINST THE INSTALLATION OF AN OPEN
 SHOPFRONT AND AN EXTERNAL ROLLER SHUTTER.

Received Decision & Date
 Completd Enforcement Notice 16/04/1996
 Revised

PLANNING SERVICES APPLICATION

CONSULTATION SHEET

APPLICANT:

Shaidy & Co. Solicitors,
102 Queensway,
London
W2 3RR

APPLICATION NO: PP/03/00311

APPLICATION DATED: 20/12/2002

DATE ACKNOWLEDGED: 12 February 2003

APPLICATION COMPLETE: 06/02/2003

DATE TO BE DECIDED BY: 03/04/2003

SITE: 24 Notting Hill Gate, London, W11 3JE

PROPOSAL: Change of use of second floor from A1 retail office use to use for business office purposes in connection with operation of mini-cab chauffeur services. Cab drivers shall be informed of whereabouts and collection points of clients by radio controller at subject premises; business will operate no more than 10 cars and operate 24 hours a day, 7 days a week. No external arial will be installed.

ADDRESSES TO BE CONSULTED

1. 14 - 26 (EVEN) NOTTING HILL GATE ✓
- 2.
3. CZECHOSLOVAK CENTRE 27-30 KENSINGTON PALACE GDN SV ✓
- 4.
5. 2, 4, 8 + 10 } LINDEN GDNS
- 6.
7. 1, 6 }
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

JA
12/02
X
(61)

CONSULT STATUTORILY

- English Heritage Listed Bdgs - CATEGORY:
- English Heritage Setting of Bdgs Grade I or II
- English Heritage Demolition in Cons. Area
- Demolition Bodies
- DoT Trunk Road - Increased traffic
- DoT Westway etc.,
- Neighbouring Local Authority
- Strategic view authorities
- Kensington Palace
- Civil Aviation Authority (over 300')
- Theatres Trust
- National Rivers Authority
- Thames Water
- Crossrail
- LRT/Chelsea-Hackney Line/Cross Rail Line 2
- Victorian Society
- DTLR Dept. Transport Loc.Gov.& Regions

ADVERTISE

- Effect on CA
- Setting of Listed Building
- Works to Listed Building
- Departure from UDP
- Demolition in CA
- "Major Development"
- Environmental Assessment
- No Site Notice Required
- Notice Required other reason
- Police
- L.P.A.C
- British Waterways
- Environmental Health
- GLA - CATEGORY:
- Govt. Office for London
- Twentieth Century Society

✓ JA
12/02

CLPG NEIGHBOURING CONSULTEES ADDRESS SEARCH
CLPG ADDRESS SEARCH

MARSH & PARSONS

26 Notting Hill Gate W11 3HY SHOP[+ 0] ✓

24 B Notting Hill Gate W11 3JE [+ 2] } including

}-----> Ground Floor 24 B Notting Hill Gate W11 3JE (shop) // ✓
}-----> First And Second Floor South 24 B Notting Hill Gate W11 3JE (office and p

2 Linden Gardens W2 4ES [+ 0] ✓

24 A Notting Hill Gate W11 3JE [+ 4] } including

}-----> 1st Floor Flat 1st Floor Flat 24 A Notting Hill Gate W11 3JE () // ✓
}-----> 2nd Floor Flat 2nd Floor Flat 24 A Notting Hill Gate W11 3JE () // ✓
}-----> 3rd Floor Flat 3rd Floor Flat 24 A Notting Hill Gate W11 3JE () // ✓
}-----> First Floor 24 A Notting Hill Gate W11 3JE (office and premise) //

Second Floor 24 Notting Hill Gate W11 3JE OFFICE AND PREMISE[+ 0] ✓

Ground Floor 24 Notting Hill Gate W11 3JE SHOP[+ 0] ✓

BOXING MONTHLY MAGAZINE 3rd Floor Flat Third Floor Flat 24 Notting Hill Gate W11 3JE ✓

24 /24A Notting Hill Gate W11 3JE [+ 0] ✓

First Floor 22 Notting Hill Gate W11 3JE SURGERY[+ 0] ✓

Ground Floor 22 Notting Hill Gate W11 3JE SHOP[+ 0] ✓

DENTAL SURGERY 2nd/3rd Floor Flat Second and Third Floor Flat 22 Notting Hill Gate W1 ✓

PANZER 20 Notting Hill Gate W11 3JE [+ 4] } including

}-----> PANZER 1st/2nd Floor Flat 1st/2nd Floor Flat 20 Notting Hill Gate W11 3JE ✓
}-----> PANZER 3rd Floor Flat 3rd Floor Flat 20 Notting Hill Gate W11 3JE ✓
}-----> First And Second Floor South 20 Notting Hill Gate W11 3JE (office and pr ✓
}-----> Ground Floor 20 Notting Hill Gate W11 3JE (shop) //

VICTORIA WINE CO LTD 18 Notting Hill Gate W11 3JE [+ 4] } including

}-----> VICTORIA WINE CO LTD Flat A 18 Notting Hill Gate W11 3JE () // ✓
}-----> VICTORIA WINE CO LTD Flat B 18 Notting Hill Gate W11 3JE () // ✓
}-----> VICTORIA WINE CO LTD Flat C 18 Notting Hill Gate W11 3JE () // ✓
}-----> Ground Floor 18 Notting Hill Gate W11 3JE (shop) //

1 Linden Gardens W2 4HA [+ 9] } including

}-----> Flat 1 1 Linden Gardens W2 4HA () // ✓
}-----> Flat 2 1 Linden Gardens W2 4HA () // ✓
}-----> Flat 3 1 Linden Gardens W2 4HA () // ✓
}-----> Flat 4 1 Linden Gardens W2 4HA () // ✓
}-----> Flat 5 1 Linden Gardens W2 4HA () // ✓
}-----> Flat 6 1 Linden Gardens W2 4HA () // ✓
}-----> Flat 7 1 Linden Gardens W2 4HA () // ✓
}-----> Flat 8 1 Linden Gardens W2 4HA () // ✓
}-----> Gate House Flat A 1 Linden Gardens W2 4HA () //

EMBASSY NEWS 16 Notting Hill Gate W11 3JE [+ 5] } including

}-----> EMBASSY NEWS Flat 4 16 Notting Hill Gate W11 3JE () // ✓
}-----> EMBASSY NEWS 1st Floor Flat Flat 1 16 Notting Hill Gate W11 3JE () // ✓
}-----> EMBASSY NEWS 2nd Floor Flat Flat 2 16 Notting Hill Gate W11 3JE () // ✓
}-----> EMBASSY NEWS 3rd Floor Flat Flat 3 16 Notting Hill Gate W11 3JE () // ✓
}-----> Ground Floor 16 Notting Hill Gate W11 3JE (shop) //

4 Linden Gardens W2 4ES [+ 5] } including

}-----> 1st Floor Flat Flat 2 4 Linden Gardens W2 4ES () // ✓
}-----> 2nd Floor Flat Flat 3 4 Linden Gardens W2 4ES () // ✓

}-----> 3rd/4th Floor Flat ~~Flat 4~~ 4 Linden Gardens W2 4ES () //

}-----> Basement Flat ~~Basement Flat~~ 4 Linden Gardens W2 4ES () //

}-----> Ground Floor Flat ~~Flat 1~~ 4 Linden Gardens W2 4ES () //

14 Notting Hill Gate W11 3JE [+ 4] } including

}-----> 1st Floor Flat ~~Flat 1~~ 14 Notting Hill Gate W11 3JE () //

}-----> 2nd Floor Flat ~~Flat 2~~ 14 Notting Hill Gate W11 3JE () //

}-----> 3rd Floor Flat ~~Flat 3~~ 14 Notting Hill Gate W11 3JE () // ✓

}-----> Ground Floor 14 Notting Hill Gate W11 3JE (shop) //

6 Linden Gardens W2 4ES [+ 3] } including

}-----> 1st/2nd Floor Flat ~~Flat B~~ 6 Linden Gardens W2 4ES () // ✓

}-----> 3rd/4th Floor Flat ~~Flat C~~ 6 Linden Gardens W2 4ES () // ✓

}-----> Basement/Ground Floor Flat ~~Flat A~~ 6 Linden Gardens W2 4ES () //

End of list CLPG Address Search

Source: RBKC Corporate Land and Property Gazetteer (as on July 2001)- RBKC/Plat QuickMap (12/02/03)

27-39/KPG

CLPG NEIGHBOURING CONSULTEES ADDRESS SEARCH
CLPG ADDRESS SEARCH

8 Linden Gardens W2 4ES [+ 6] } including
}-----> Flat 1 8 Linden Gardens W2 4ES () //
}-----> Flat 2 8 Linden Gardens W2 4ES () //
}-----> Flat 3 8 Linden Gardens W2 4ES () //
}-----> Flat 4 8 Linden Gardens W2 4ES () //
}-----> Flat 5 8 Linden Gardens W2 4ES () //
}-----> Basement Flat Flat A 8 Linden Gardens W2 4ES () //

6 Linden Gardens W2 4ES [+ 3] } including
}-----> 1st/2nd Floor Flat Flat B 6 Linden Gardens W2 4ES () //
}-----> 3rd/4th Floor Flat Flat C 6 Linden Gardens W2 4ES () //
}-----> Basement/Ground Floor Flat Flat A 6 Linden Gardens W2 4ES () //

10 Linden Gardens W2 4ES [+ 6] } including
}-----> 1st Floor Flat Flat 3 10 Linden Gardens W2 4ES () //
}-----> 2nd Floor Flat Flat 4 10 Linden Gardens W2 4ES () //
}-----> 3rd/4th Floor Flat Flat 5 10 Linden Gardens W2 4ES () //
}-----> Basement Flat Flat A 10 Linden Gardens W2 4ES () //
}-----> Ground Floor Flat (Front) Flat 1 10 Linden Gardens W2 4ES () //
}-----> Ground Floor Flat (Rear) Flat 2 10 Linden Gardens W2 4ES () //

End of list CLPG Address Search

Source: RBKC Corporate Land and Property Gazetteer (as on July 2001)- RBKC/Plat
QuickMap (13/02/03)

RBKC - Planning and Conservation - Card Index - Site Map



Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

QuickMap(12/02/03)

Map width : 243.74m

Scale 1 : 1250

RBKC - Planning and Conservation - Card Index - Site Map



Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

QuickMap(13/02/03)

Map width : 243.74m

Scale 1 : 1250

NOTICE OF A PLANNING APPLICATION



TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

Notice is hereby given the Royal Borough of Kensington and Chelsea Council **KENSINGTON
AND CHELSEA**
an application:

(a) for development of land in or adjacent to a Conservation Area.

Details are set out below.

Members of the public may inspect copies of the application, the plans and other documents submitted with it at:

The Planning Information Office, 3rd floor, The Town Hall, Hornton Street, W8
7NX between the hours of 9.15 and 4.45 Mondays to Thursdays and 9.15 to 4.30
Fridays;

For applications in the Chelsea area: The Reference Library, Chelsea Old Town
Hall, Tel. 0171-361-4158.

For postal areas W10, W11 and W2: The 1st floor, North Kensington Library,
108 Ladbroke Grove, W11, Tel. 0171-727-6583.

Anyone who wishes to make representations about this application should write
to the Executive Director of Planning and Conservation at the Town Hall (Dept.
705) within 21 days of the date of this notice.

SCHEDULE

Reference: PP/03/00311/SG

Date: 21/02/03

24 Notting Hill Gate, London, W11 3JE

Change of use of second floor from A1 retail office use to use for business office purposes in
connection with operation of mini-cab chauffeur services. Cab drivers shall be informed of
whereabouts and collection points of clients by radio controller at subject premises; business
will operate no more than 10 cars and operate 24 hours a day, 7 days a week. No external
aerial will be installed.

APPLICANT **Miran Latef Ozairy,**

JT. 21/2

Site:	24 Nottingham Gate	File reference:
Subject:		
R.B.K. & C Planning Services		Site <input checked="" type="checkbox"/> Office <input type="checkbox"/>
NOTES OF MEETING		Date: 25/4
Names of persons attending:	Officers SG.	Applicant/Agent/Resident Muan Lalefy Ozany
Matters discussed:	<p>Propose to use 1 room as control office, lounge, kitchen, toilet, rest room, downstairs</p> <p><u>Use.</u></p> <p>Existing use - b + g/f - retail 1st flr - offices (solicitors) 2nd flr - vacant offices 3rd flr - s/c resid. flat.</p> <p>Advised that planning records, show upper floors as retail. Spoke to landlord who advised been offices since 1987 at least (when he bought property).</p> <p>G/f shop has basement for storage so ^{loss} not a problem in terms of viability of unit.</p> <p><u>Impact on resid. amenity?</u></p> <p>24 hr operation, 1 controller. Resid to rear + above.</p> <p><u>Traffic/parking</u></p> <p>Intention = 1 controller at time - 2 shifts. 5 day drivers / 5 night.</p> <p>chauffeur company - all booked 1/2 hrs beforehand. By radio/phone. mainly hotels/public</p> <p>Concern re. drivers waiting in area + returning to office, esp as lounge/kitchen/toilet facilities. Difficult for Council to control + enforce</p>	

Signatures:

Applicants advise that would not —
would know appointments in advance
would be working / not waiting.

Parking = pay + display / resident's permit - ~~not~~ expensive
to wait there - would ~~need to~~ wait elsewhere.

Would visit office 1 per wk for rent payment.

Would lock door, need to let them know when coming
in advance to unlock - 3rd flr.

Experience elsewhere? Applicant wkd for company,

Customers -

no signs, lock door, drivers would not be available

Explain people come / get to know - by on off chance.

Concern that difficult for Council to control impact
re. drivers/customers calling + waiting in area,
+ ~~the~~ parking in area. Also concern re resid flat above.
would consider + telephone before decision.

Parking restrictions in area

Ossington St - heavily pkd ^{k&f} resid. parking 8:30-10pm M-F.
8:30-11:30 Sat.

w/min resid - M-Sun 8:30-10pm.
single yellow - Notting Hill G.

Linden G - pay + display same space.

X HDI P AC AD CLU 2 Lindau Gardens
London W2 4 ES
5 Mar 03

① ACK

② SG

R.B. 07 MAR 2003 PLANNING
New Str,

W C SW 24 Hill Gate W11
REF: D.P.S./D.CN/PP/03/00311/SG

Y.N.

I have inspected the plans and object to the proposal as it will result in noise and disturbance to the residential premises at the rear, particularly if it is on a 24 hour operation.

10/03.

There is also a lack of information. What are 3 rooms being used for? Waiting? Do the public use the premises at night? Would the rear windows be opened in summer? Is the transmitter high-powered with an internal aerial?

This location already has aerial assemblies at the Czech Embassy & Trade building opposite, and a battery of mobile phone aerials on the roof the flats at the North end of Palace Gardens. Collectively, do these represent a health hazard from electro-magnetic radiation

Yours sincerely,

James Sarran

J. GOWAN re mini-cab radio controls

Royal Borough of Kensington and Chelsea
 Directorate of Planning Services – Policy Observations

TP No: PP/03/311	Address: 24 Notting Hill Gate	Date Received 14-2-03	Date of Obs 21-2-03		
UDP Prop Alts Paras/Policy S16	Development: Change 2 nd floor from A1 retail office to mini-cab office (sui generus)	Objection		No Objection XXX	
		HMO? N/A		No of Dwelling Units	
		D.C Officer SG		Existing N/A	Proposed N/A

Site:

The property is within the non-core frontage of the Notting Hill Gate Principal Shopping Centre.

Existing use:

The 2002 Shopping Centres Survey noted that the ground floor is in A1 use. It is not clear what the use on the 1st floor is. According to the application, the 2nd floor is use is ancillary to the ground floor A1 unit.

Proposal:

Thee proposal will result in the loss of some 39m² of ancillary retail floorspace.

Comments:

Policy S16 sets out the criteria for non-shop uses above ground floor in Principal Shopping Centres. Paragraph 8.4.15 notes that A2, A3, residential and B1 uses are able to be accommodated, subject to S16. While uses such as a mini-cab office (SG) are not included in this list, the proposal would function as an office. A key test is whether the change of use from retail (A1) would impact on the viability of the ground floor retail use.

Consideration will need to be given to the continued viability of the ground floor retail use. If this unit is already supported by the basement and/or 1st floor it is unlikely to become unviable due to the loss of the ancillary 2nd floor. Even if the ground floor were to remain as the only A1 floorspace, at around 59m² the unit is not too small to provide a viable shop unit.

There may be transport concerns as mini-cab offices can create additional parking demands in the area as drivers await clients. The Transportation Section can provide advise on this issue.

Subject to satisfying S16 there are no policy objections to the principal of this proposal.

Steve McCormack 3.3.03

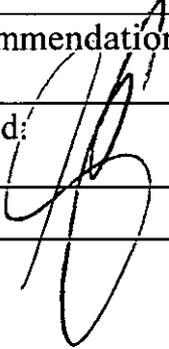
RBK&C TRANSPORTATION COMMENTS

PP Number: 03/311	Address: 24 Notting Hill Gate W11	Date of obs: 19/2/03	
Proposal: Minicab office		Obj	√
		No Obj	
		No Obj subject to Cond's	
		More Info	
File Number As above	Initial Observations		Transportation Officer: Gillian Palmer
Full Observations	√	DC Officer: Sarah Gentry	
Further Observations			

Supplementary information:

Comments:

1. Please note that we have experience of minicab offices at 221 Westbourne Park Road, where we won an appeal for a similar proposal in 2000. You may also be interested in the case at 399 King's Road, (refusal and Appeal, result pending) and at 85 Gloucester Road (01/815, pp granted in June 2001.) In this latter case the Council granted pp with conditions attempting to control drivers calling at the premises, although this is now proving difficult to enforce.
2. Observations undertaken at that site in W P Road showed drivers parking and congregating in the local area, causing additional parking stress and adversely affecting residential amenity.
3. Although the applicants suggest on the application form that no drivers will call at these premises it is clear that this does take place at minicab offices, as drivers need to call to pay their "rent". They also need lavatory and kitchen facilities between jobs. They cannot keep mobile all the time, wasting expensive fuel. The supporting letter dated 29th Jan 2003 mentions meter parking near the premises, which suggests that drivers will be waiting at the premises. After controlled hours the drivers will be able to use single yellow lines and residents' spaces to the detriment of residential amenity.
4. Ten drivers, as suggested by the applicants would appear to be a very small number, but is nevertheless something that the Council could not control even if it were to be conditioned.
5. The neighbouring residential streets at Linden gardens and Clanricarde Gardens are particularly heavily parked, and the location of a minicab office in this location will inevitably lead to additional parking stress sand an adverse effect on residential amenity, contrary to UDP policy TR39.

Relevant transportation policies: TR39
Recommendation: objection
Signed: 

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Transportation Observations (Initial)

Direct Line: 020-7361-2096

Extension: 2096

Facsimilie: 020-7361-3463

Switchboard: 020-7937-5464

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 12 February 2003

My Ref: DPS/DCN/PP/03/00311 Your ref: Please ask for: S. Gentry

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 24 Notting Hill Gate, London, W11 3JE

I enclose a copy of an application, with relevant drawings and/or supporting information, and should be pleased to receive your observations on these proposals as soon as possible.

It is hoped to present this application to the Planning Services Committee prior to 03/04/03. I look forward to hearing from you in the near future, in order that your comments may be reported to this Committee.

Should you require any further details in respect of this case, please do not hesitate to contact the Case Officer on the above extension.

Yours faithfully

M.J. FRENCH

Executive Director, Planning and Conservation



INVESTOR IN PEOPLE

SHAIKY & Co.
S O L I C I T O R S

PP030311

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

Our Ref:
AS/br/7332

Your Ref:
SLP.II.Munshi.M4.17

Date
20th December 2002

EX DIR	HDC	TP	CAC	AD	GLU	AO AK
R.B. K.C.	23 DEC 2002				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	PLN	DES	FEE

Dear Sirs,

Our Client: Mr Miran L Ozairy
Planning Application for change of use
Re: 24 Notting Hill Gate – Second Floor – Subject to Lease

We act on behalf of the above named who is proposing to take an underlease of the above leasehold premises.

Our client has instructed us to make a planning application on his behalf for change of use from office to mini-cab office.

Please find enclosed herewith the following in support of such application:-

1. Planning application Form TP1/PART1 with attached 4 copies of floor plan;
2. Form Part 3; and
3. Our client cheque in the sum of £220 towards your application fee.

Please do not hesitate to contact our Miss Randhawa should you require any further information.

We look forward to hearing from yourself in due course.

Yours faithfully,



Shaiky & Company

Enc.

Christmas Holiday

Please note this office will close 12 noon on Friday 20th December 2002 and re-open on Thursday 2nd January 2002.

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

Our Ref:
AS/br/7332

Your Ref:
SLP.I.L.Munshi.M4.17

Date
29th January 2003

Dear Sirs,

Our Client: Mr Miran L Ozairy
Planning Application for change of use
Re: 24 Notting Hill Gate – Second Floor – Subject to Lease

Thank you for your letter of 15th January, the contents of which we note.

We now return herewith four copies of TP.1. Part 3 duly completed by our client.

We confirm that our client wishes to conduct the business of Chauffeur Services only, which is to be operated 24 hours a day and 7 days a week. The Chauffeur drivers' shall be informed of the whereabouts and collection points of clients' by a radio controller. Such radio operation will take place at the above premises.

Currently, there is no private parking allotted to the above-premises. However, we understand from our client there are some meter parking spaces on the public road.

Yours faithfully,

Shaidy & Co.

Shaidy & Company

Enc.

X	HDC	TP	CAC	AD	CLU	AO
IR						AK
R.B.	30 JAN 2003		PLANNING			
K.C.			43			
	C	SW	SE	APP	REC	
			ARB	FDN	DES	SPFC

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
Town Hall
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Our Ref:
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Date
5th February 2003

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R.B. K.C.		- 6 FEB 2003			PLANNING	
N	C	SW	SE	APP	IO	BZC
			ARB	FPLN	DES	FEE3

Dear Sirs,

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Planning Application for change of use
Re: 24 Notting Hill Gate - Second Floor - Subject to Lease

Thank you for your letter of 30th January, the contents of which we note and upon which we have obtain our client's instructions

Adopting your numbered paragraphs, we respond as follows:-

1. We return 1,500 Site Location Plan having outlined subject premises in red, as requested.
2. No more than 10 cars.
3. Our client confirms so.

In the event, that you require any further information please do not hesitate to contact Miss Randhawa of this office.

Yours faithfully.

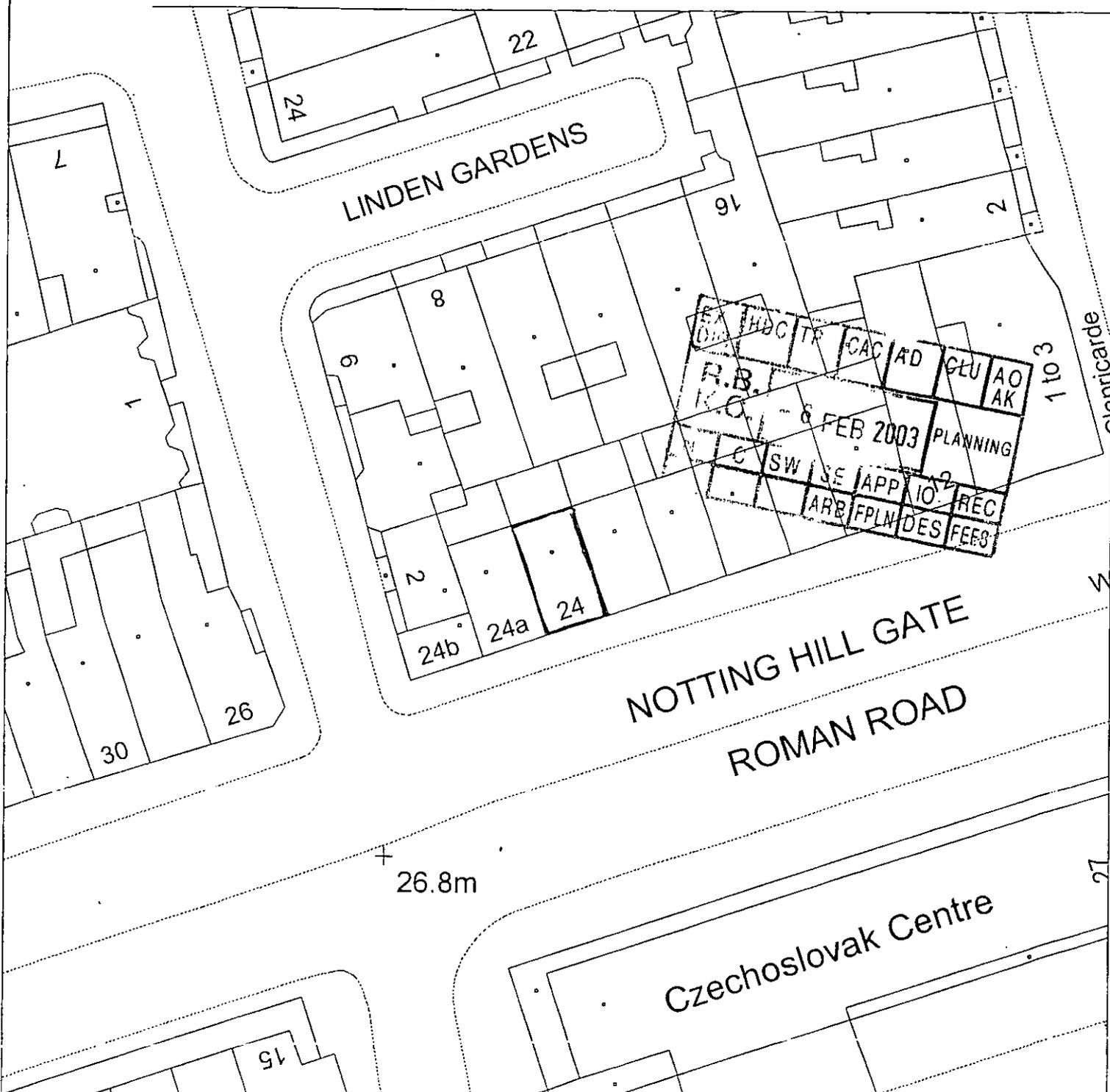
Shaidy + Co.
Shaidy & Company

Enc.

102 Queensway
London W2 3RR
Telephone: 020 7229 6703
Facsimile: 020 7229 2902
DX 35805 Queensway

E-mail: enquiries@shaidy.co.uk

RBKC - Planning and Conservation - Card Index - Site Map



Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

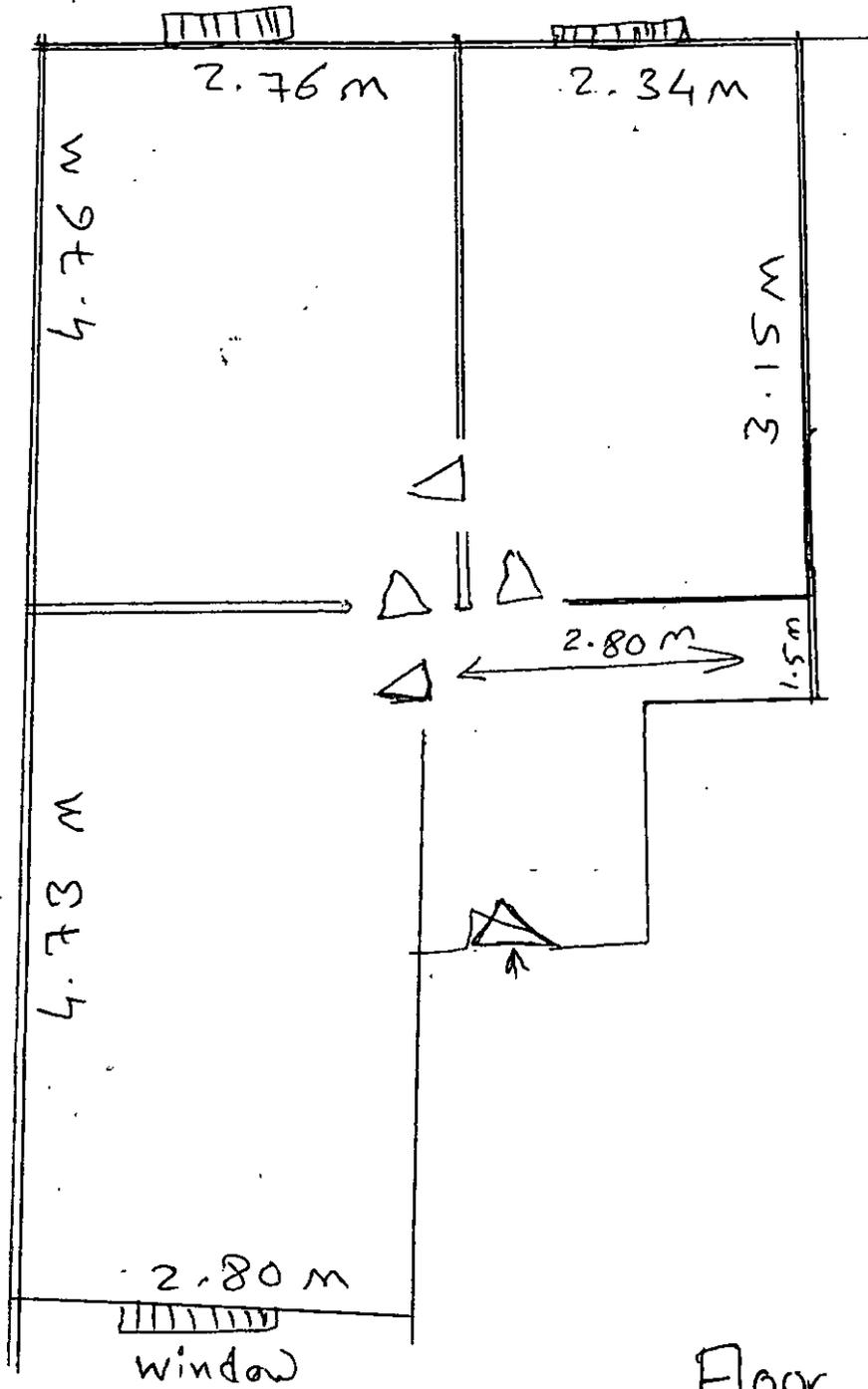
QuickMap(30/01/03)

Map width : 97.50m

Scale 1 : 500

24 Notting

2nd floor



R.B.K.C PLANNING

Received 23 DEC 2002

Ex Dir HDC TP CAC AD CLU
AOACK N C SW SE APPEALS
IO REC ARB F.PLAN CON.DES

Floor Plan

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.						
K.C.	23 DEC 2002				PLANNING	
N	C	SW	SE	APP	IO	REC
		ARB			FP	NDES FEES

RBKC - Planning and Conservation - Card Index - Site Map



Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

QuickMap(30/01/03)

Map width : 243.74m

Scale 1 : 1250

24 NOTTING HILL GATE

Property Card N° : 0589 033 00

Sitename :
 Comment :
 TP Arch/History : 33601
 See Also : 24/24A, 24B
 Xref :
 Notes :

TP No	Brief Description of Proposal	1 of 7	Adverts & History No
	USE, FOR A LIMITED PERIOD OF 2 FRONT ROOMS ON THE 3RD FLOOR AS AN OFFICE STAFF EMPLOYMENT AGENCY.		CA 1131

Received	Decision & Date
Completed	Conditional 10/02/1949
Revised	LIMITED TO 01/02/1950

TP No	Brief Description of Proposal	2 of 7
	ERECTION OF A NEW SHOP FRONT.	

Received	Decision & Date
Completed	Unconditional 06/05/1954
Revised	

TP No	Brief Description of Proposal	3 of 7
	ERECTION OF A SINGLE STOREY STORE AT THE REAR FOR USE IN CONNECTION WITH THE SHOP.	

Received	Decision & Date
Completed	Unconditional 03/02/1956
Revised	

TP No	Brief Description of Proposal	4 of 7
	USE OF THE 1ST FLOOR AS AN EXTENSION TO THE GROUND FLOOR SHOP.	

Received	Decision & Date
Completed	Unconditional 02/12/1957
Revised	

> Any Queries Please Phone 0171 361 2199/2206/2015 <
 > Fax Requests (FOA Records Section) 0171 361 3463 <

24 NOTTING HILL GATE

Property Card N° : 0589 033 00

Sitename :
 Comment :
 TP Arch/History : 33601
 See Also : 24/24A, 24B
 Xref :
 Notes :

TP No Brief Description of Proposal 5 of 7

ERECTION OF A 2-STOREY EXTENSION AT BASEMENT LEVEL
 AND GROUND FLOOR LEVELS AT THE REAR OF EXISTING SHOP.

Received Decision & Date
 Completd Unconditional 27/01/1966
 Revised

TP No TP/83/1058 Brief Description of Proposal 6 of 7

USE OF THE FIRST FLOOR AS A CHIROPODISTS SURGERY AND
 ANCILLARY WAITING ROOM.
 PERSONAL

Received Decision & Date
 Completd Conditional 13/09/1983
 Revised

TP No TP/83/1945 Brief Description of Proposal 7 of 7

USE OF THE 1ST FLOOR AS A CHIROPODISTS SURGERY AND
 ANCILLARY WAITING ROOM.

Received Decision & Date
 Completd Conditional 01/02/1984
 Revised

> Any Queries Please Phone 0171 361 2199/2206/2015 <
 > Fax Requests (FOA Records Section) 0171 361 3463 <

REASON FOR DELAY

CASE NO / /

identified as a "Target" application, with the target of being passed ahead of Development Control within 6 weeks of the completion date.

In this application, there has been a delay, beyond 8 weeks,

unable to ensure that this case has been determined within the 8 week following reason(s) [highlight - there may be more than one reason!]

in arranging initial Site Visit [a date for this should be fixed up in the week after you receive the case!]

- due to internal Consultation [highlight as many as necessary]
- (i) Design - Discussions/initial Obs.
 - (ii) Design - Formal Obs.
 - (iii) Transportation
 - (iv) Policy
 - (v) Environmental Health
 - (vi) Trees
 - (vii) Other

where neighbour notification/external consultation necessary (spread or time allowed - please specify)

revisions not requested in time
Remember - Request all revisions by end of fourth week to stand reasonable chance of renotifying and determining case within 8 weeks!

revisions requested in time, but not received in time

revisions received but inadequate - further revisions requested

revisions received but reconsultation necessary

awaiting Direction from English Heritage/other EH delays...

because of the Committee cycle

applicant's instruction

OTHER REASON Please state/.....

..... (Case Officer)

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

File Copy

2079/ 2080

020-7361- 2079/ 2080

020-7937-5464

Switchboard:

Extension:

Direct Line:

Facsimile 020-7361-3463

Date: 13 February 2003

My reference: Your reference:
My Ref: DPS/DCN/PP/03/00311/SG

Please ask for:
Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 24 Notting Hill Gate, London, W11 3JE

Brief details of the proposed development are set out below. Members of the public may inspect copies of the application, the plans and any other documents submitted with it. The Council's Planning Services Committee, in considering the proposal, welcomes comments either for or against the scheme. Anyone who wishes to make representations about the application should write to the Council at the above address **within 21 days** of the date of this letter. Please telephone should you require further information.

Proposal for which permission is sought

Change of use of second floor from A1 retail office use to use for business office purposes in connection with operation of mini-cab chauffeur services. Cab drivers shall be informed of whereabouts and collection points of clients by radio controller at subject premises; business will operate no more than 10 cars and operate 24 hours a day, 7 days a week. No external arial will be installed.

Applicant Miran Latef Ozairy, 44 Devon Close, Perivale, Middlesex UB6 7DP

Yours faithfully

M. J. FRENCH
Executive Director, Planning and Conservation

WHAT MATTERS CAN BE TAKEN INTO ACCOUNT

When dealing with a planning application the Council has to consider the policies of the Borough Plan, known as the Unitary Development Plan, and any other material considerations. The most common of these include (not necessarily in order of importance):

- The scale and appearance of the proposal and impact upon the surrounding area or adjoining neighbours;
- Effect upon the character or appearance of a Conservation Area;
- Effect upon the special historic interest of a Listed Building, or its setting;
- Effect upon traffic, access, and parking;
- Amenity issues such as loss of Sunlight or daylight, Overlooking and loss of privacy, Noise and disturbance resulting from a use, Hours of operation.

WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT

Often people may wish to object on grounds that, unfortunately, cannot be taken into account because they are not controlled by Planning Legislation. These include (again not in any order of importance):

- Loss of property value;
- Private issues between neighbours such as land covenants, party walls, land and boundary disputes, damage to property;
- Problems associated with construction such as noise, dust, or vehicles (If you experience these problems Environmental Services have some control and you should contact them direct);
- Smells (Also covered by Environmental Services);
- Competition between firms;
- Structural and fire precaution concerns; (These are Building Control matters).

WHAT HAPPENS TO YOUR LETTER

All letters of objection are taken into account when an application is considered. Revised drawings may be received during the consideration of the case and normally you will be informed and given 14 days for further response. Generally planning applications where 3 or more objections have been received are presented to the Planning Services Committee which is made up of elected Ward Councillors. Planning Officers write a report to the Committee with a recommendation as to whether the application should be granted or refused. Letters received are summarised in the report, and copies can be seen by Councillors and members of the public, including the applicant. The Councillors make the decisions and are not bound by the Planning Officer's recommendation. All meetings of the Committee are open to the public.

If you would like further information, about the application itself or when it is likely to be decided, please contact the Planning Department on the telephone number overleaf.

WHERE TO SEE THE PLANS

Details of the application can be seen at the Planning Information Office, 3rd floor, Town Hall, Hornton Street W.8. It is open from 9am to 4.45pm Mondays to Thursdays (4pm Fridays). A Planning Officer will always be there to assist you.

In addition, copies of applications in the Chelsea Area (SW1, SW3, SW10) can be seen at The Reference Library, Chelsea Old Town Hall, Kings Road SW3 (020 7361 4158), for the Central Area (W8, W14, SW5, SW7) can be viewed in the Central Library, Town Hall, Hornton Street, W.8. and applications for districts W10, W11 and W2 in the North of the Borough can be seen at The Information Centre, North Kensington Library, 108 Ladbroke Grove, London W11 (under the Westway near Ladbroke Grove Station 020 7727-6583). Please telephone to check the opening times of these offices.

If you are a registered disabled person, it may be possible for an Officer to come to your home with the plans. Please contact the Planning Department and ask to speak to the Case Officer for the application.

PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Transportation Observations (Initial)

Direct Line: 020-7361-2096

Extension: 2096

Facsimilie: 020-7361-3463

Switchboard: 020-7937-5464

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Date: 12 February 2003

My Ref: DPS/DCN/PP/03/00311 Your ref: Please ask for: S. Gentry

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 24 Notting Hill Gate, London, W11 3JE

I enclose a copy of an application, with relevant drawings and/or supporting information, and should be pleased to receive your observations on these proposals as soon as possible.

It is hoped to present this application to the Planning Services Committee prior to 03/04/03. I look forward to hearing from you in the near future, in order that your comments may be reported to this Committee.

Should you require any further details in respect of this case, please do not hesitate to contact the Case Officer on the above extension.

Yours faithfully

M.J. FRENCH

Executive Director, Planning and Conservation



INVESTOR IN PEOPLE

MEMORANDUM

TO: FOR FILE USE ONLY

**From: EXECUTIVE DIRECTOR
PLANNING & CONSERVATION**

My Ref: PP/03/00311/SG CODE A1
Room No:

Date: 12 February 2003

DEVELOPMENT AT:

24 Notting Hill Gate, London, W11 3JE

DEVELOPMENT:

Change of use of second floor from A1 retail office use to use for business office purposes in connection with operation of mini-cab chauffeur services. Cab drivers shall be informed of whereabouts and collection points of clients by radio controller at subject premises; business will operate no more than 10 cars and operate 24 hours a day, 7 days a week. No external arial will be installed.

The above development is to be advertised under:-

1. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (development affecting the character or appearance of a Conservation Area or adjoining Conservation Area)

M.J. French
Executive Director, Planning & Conservation

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensington & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

Our Ref:
AS/br/7332

Your Ref:
SLP.IL.Munshi.M4.17

Date
5th February 2003

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		- 6 FEB 2003			PLANNING <i>(Signature)</i>	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

Dear Sirs,

Our Client: Mr Miran L Ozairy
Planning Application for change of use
Re: 24 Notting Hill Gate – Second Floor – Subject to Lease

Thank you for your letter of 30th January, the contents of which we note and upon which we have obtain our client's instructions

Adopting your numbered paragraphs, we respond as follows:-

1. We return 1,500 Site Location Plan having outlined subject premises in red, as requested.
2. No more than 10 cars.
3. Our client confirms so.

In,the event, that you require any further information please do not hesitate to contact Miss Randhawa of this office.

Yours faithfully,

Shaidy + Co.
Shaidy & Company

Enc.

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA



M. J. FRENCH, ARICS, Dip. T. P.
Executive Director of Planning and Conservation

Department 705,
Room 325,
The Town Hall,
Hornton Street,
London,
W8 7NX

PP030311

SHAIKY & CO
SOLICITORS
102 QUEENSWAY
LONDON
W2 3RR

Telephone: 020 7361 2010
Facsimile: 020 7361 3463

30th JAN. 2003

My reference: TP/PEND/BR

Your reference:

Please ask for:

Dear Sir (Madam),

CAS/br/7332 || (Fees & REGISTRATION) BRIAN ROCHE

Town and Country Planning Act, 1990 – Town and Country Planning (General Permitted Development) Order 1995 and (Applications) Regulations, 1988 Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, 2002

I refer to your Town Planning Application dated

20/12/02 for 2nd FLOOR NOTTING HILL GATE.

I would advise you that before I can accept your application as a complete application – it will be necessary for you to provide the following information:-

- Photograph(s) of the existing front and rear elevation(s) in relation to adjacent properties.
- Complete and return 4 copies of the enclosed TP.1.Part.
- Complete and return 4 copies of the enclosed TP.1(HB/CA)Part.

THANK YOU FOR YOUR LETTER DATED 29/01/03. APOLOGIES FOR THE NEED TO WRITE BACK TO YOU. AS REQUIRED PLEASE: (1) OUTLINE THE SUBJECT PREMISES IN RED ON THE ENCLOSED 1:500 SITE LOCATION PLAN (PLEASE SIGN AND

<input type="checkbox"/>	£	Total Fee Required	£	_____
<input type="checkbox"/>	£	Received	£	_____
<input type="checkbox"/>	£	Outstanding	£	_____

You are requested to note that the eight weeks statutory period will not begin until the application has been completed.

(3) PLEASE STATE HOW MANY CARS WILL BE USED IN CONNECTION WITH YOUR CLIENTS BUSINESS.

Yours faithfully,

M. J. French

Executive Director of Planning and Conservation

(2) PLEASE STATE BY LETTER THAT THE PROPOSED USE WILL NOT INVOLVE THE ERECTION OF AN EXTERNAL ARIER.

PLEASE RETURN TEAR OFF SLIP BELOW WITH INFORMATION REQUIRED

REF: TP/PEND/BR SECOND FLOOR
Address: 24 NOTTING HILL GATE
LONDON W11 3JE.

To be completed by applicant: Please find enclosed the following:

Signed

Date

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

Our Ref:
AS/br/7332

Your Ref:
SLP.IL.Munshi.M4.17

Date
29th January 2003

Dear Sirs,

Our Client: Mr Miran L Ozairy
Planning Application for change of use
Re: 24 Notting Hill Gate – Second Floor – Subject to Lease

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Currently, there is no private parking allotted to the above-premises. However, we understand from our client there are some meter parking spaces on the public road.

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Shaidy & Co.

Shaidy & Company

Enc.

X	HUC	TP	CAC	AD	CLU	AO
IR						AK
R.B.	30 JAN 2003			PLANNING		
K.C.				43		
C	SW	SE	APP	IO	REC	
		ARB	FPLN	DES	FFES	

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA



M. J. FRENCH, ARICS, Dip. T. P.
Executive Director of Planning and Conservation

Department 705,
Room 325,
The Town Hall,
Hornton Street,
London,
W8 7NX

*Bluidy & Co., Solicitors,
102 Queensway
London, W2 3RR*

Telephone: 020 7361 2010
Facsimile: 020 7361 3463

15 January 03.

My reference: TP/PEND/BR
Dear Sir (Madam),

Your reference: *As/br/7532*

Please ask for: *Tracey / Mrs / Brian Roche.*

Town and Country Planning Act, 1990 – Town and Country Planning (General Permitted Development) Order 1995 and (Applications) Regulations, 1988 Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, 2002

I refer to your Town Planning Application dated *20/12/02* for *2nd floor* *24 Notting Hill Gate.*

I would advise you that before I can accept your application as a complete application – it will be necessary for you to provide the following information:-

- Photograph(s) of the existing front and rear elevation(s) in relation to adjacent properties.
- Complete and return 4 copies of the enclosed TP.1.Part. *3* , *1* *form* *fully* *complete* .
- Complete and return 4 copies of the enclosed TP.1(HB/CA)Part.
- Please* *provide* *further* *information* *regarding* *the* *exact* *nature* *of* *the* *business* *hours* *of* *operation* *etc* . *Also* *provide* *information* *regarding* *existing* *parking* *spaces* .

<input type="checkbox"/>	£	Total Fee Required	£	_____
		Received	£	_____
		Outstanding	£	_____

You are requested to note that the eight weeks statutory period will not begin until the application has been completed.

Yours faithfully,
M. J. French

Executive Director of Planning and Conservation

PLEASE RETURN TEAR OFF SLIP BELOW WITH INFORMATION REQUIRED

REF: TP/PEND/BR _____
Address: *24 Notting Hill Gate*

To be completed by applicant: Please find enclosed the following:

Signed _____

Date _____

COPY FOR
MASTER FILE
WITH RED LINED PLAN ETC.

PP030311

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

Our Ref:
AS/br/7332

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Date
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R.B. K.C.	23 DEC 2002			PLANNING		
N	C	SW	SE	APP	IO	REC
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3. Our client cheque in the sum of £220 towards your application fee.

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Shaidy & Company

Enc.

Christmas Holiday

Please note this office will close 12 noon on Friday 20th December 2002 and re-open on Thursday 2nd January 2002.

102 Queensway
London W2 3RR

Telephone: 020 7229 6703

Facsimile: 020 7229 2902

DX 35805 Queensway

E-mail: enquiries@shaidy.co.uk

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

Our Ref:
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Shaidy + Co.

Shaidy & Company

Enc.

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
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Shaidy & Company

Enc.

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IR						AK
R.B.	30 JAN 2003			PLANNING		
K.C.				43		
	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	REF

COPY FOR
MASTER FILE
WITH RED LINED PLAN ETC.

PP030311

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensington & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

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Planning Application for change of use
Re: 24 Notting Hill Gate – Second Floor – Subject to Lease

We act on behalf of the above named who is proposing to take an underlease of the above leasehold premises.

Our client has instructed us to make a planning application on his behalf for change of use from office to mini-cab office.

Please find enclosed herewith the following in support of such application:-

1. Planning application Form TP1/PART1 with attached 4 copies of floor plan;
2. Form Part 3; and
3. Our client cheque in the sum of £220 towards your application fee.

Please do not hesitate to contact our Miss Randhawa should you require any further information.

We look forward to hearing from yourself in due course.

Yours faithfully,



Shaiky & Company

Enc.

Christmas Holiday

Please note this office will close 12 noon on Friday 20th December 2002 and re-open on
Thursday 2nd January 2002.

SHAIKY & Co.
S O L I C I T O R S

PP:30311

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

Our Ref:
AS/br/7332

Your Ref:
SLP.IL.Munshi.M4.17

Date
20th December 2002

EX DIR	HDC	TP	CAC	AD	GLU	AO AK
R.B. K.C.	23 DEC 2002				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	PLN	DES	FEE

Dear Sirs,

Our Client: Mr Miran L Ozairy
Planning Application for change of use
Re: 24 Notting Hill Gate – Second Floor – Subject to Lease

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Date
29th January 2003

Dear Sirs,

Our Client: Mr Miran L Ozairy
Planning Application for change of use
Re: 24 Notting Hill Gate – Second Floor – Subject to Lease

Thank you for your letter of 15th January, the contents of which we note.

We now return herewith four copies of TP.1. Part 3 duly completed by our client.

We confirm that our client wishes to conduct the business of Chauffeur Services only, which is to be operated 24 hours a day and 7 days a week. The Chauffeur drivers' shall be informed of the whereabouts and collection points of clients' by a radio controller. Such radio operation will take place at the above premises.

Currently, there is no private parking allotted to the above-premises. However, we understand from our client there are some meter parking spaces on the public road.

Yours faithfully,

Shaidy & Co.

Shaidy & Company

Enc.

K	HDC	TP	CAC	AD	CLU	AO
IR						AK
R.B.	30 JAN 2003			PLANNING		
K.C.				43		
C	SW	SE	APP	IO	REC	
			ARB	PLN	DES	REF

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

Our Ref:
AS/br/7332

Your Ref:
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Date
5th February 2003

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		- 6 FEB 2003			PLANNING	
N	C	SW	SE	APP	IO	BEC
		ARB	FPLN	DES	FEE	

Dear Sirs,

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Planning Application for change of use
Re: 24 Notting Hill Gate – Second Floor – Subject to Lease

Thank you for your letter of 30th January, the contents of which we note and upon which we have obtain our client's instructions

Adopting your numbered paragraphs, we respond as follows:-

1. We return 1,500 Site Location Plan having outlined subject premises in red, as requested.
2. No more than 10 cars.
3. Our client confirms so.

In the event, that you require any further information please do not hesitate to contact Miss Randhawa of this office.

Yours faithfully,

Shaidy + Co.
Shaidy & Company

Enc.

24 NOTTING HILL GATE

Property Card No : 0589 033 00

Sitename :
 Comment :
 TP Arch/History : 33601
 See Also : 24/24A, 24B
 Xref :
 Notes :

TP No	Brief Description of Proposal	1 of 7	Adverts & History No
	USE, FOR A LIMITED PERIOD OF 2 FRONT ROOMS ON THE 3RD FLOOR AS AN OFFICE STAFF EMPLOYMENT AGENCY.		CA 1131

Received	Decision & Date
Completed	Conditional 10/02/1949
Revised	LIMITED TO 01/02/1950

TP No	Brief Description of Proposal	2 of 7
	ERECTION OF A NEW SHOP FRONT.	

Received	Decision & Date
Completed	Unconditional 06/05/1954
Revised	

TP No	Brief Description of Proposal	3 of 7
	ERECTION OF A SINGLE STOREY STORE AT THE REAR FOR USE IN CONNECTION WITH THE SHOP.	

Received	Decision & Date
Completed	Unconditional 03/02/1956
Revised	

TP No	Brief Description of Proposal	4 of 7
	USE OF THE 1ST FLOOR AS AN EXTENSION TO THE GROUND FLOOR SHOP.	

Received	Decision & Date
Completed	Unconditional 02/12/1957
Revised	

> Any Queries Please Phone 0171 361 2199/2206/2015 <
 > Fax Requests (FOA Records Section) 0171 361 3463 <

24 NOTTING HILL GATE

Property Card N° : 0589 033 00

Sitename :
 Comment :
 TP Arch/History : 33601
 See Also : 24/24A, 24B
 Xref :
 Notes :

TP No Brief Description of Proposal 5 of 7

ERECTION OF A 2-STOREY EXTENSION AT BASEMENT LEVEL
 AND GROUND FLOOR LEVELS AT THE REAR OF EXISTING SHOP.

Received Decision & Date
 Completd Unconditional 27/01/1966
 Revised

TP No TP/83/1058 Brief Description of Proposal 6 of 7

USE OF THE FIRST FLOOR AS A CHIROPODIST'S SURGERY AND
 ANCILLARY WAITING ROOM.
 PERSONAL

Received Decision & Date
 Completd Conditional 13/09/1983
 Revised

TP No TP/83/1945 Brief Description of Proposal 7 of 7

USE OF THE 1ST FLOOR AS A CHIROPODIST'S SURGERY AND
 ANCILLARY WAITING ROOM.

Received Decision & Date
 Completd Conditional 01/02/1984
 Revised

> Any Queries Please Phone 0171 361 2199/2206/2015 <
 > Fax Requests (FOA Records Section) 0171 361 3463 <

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensing & Chelsea
Department of Planning and Conservation
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London, W8 7NX

Our Ref:
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SLP.IL.Munshi.M4.17

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R.B. K.C.		- 6 FEB 2003			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

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Shaidy + Co.
Shaidy & Company

Enc.

102 Queensway
London W2 3RR
Telephone: 020 7229 6703
Facsimile: 020 7229 2902
DX 35805 Queensway
E-mail: enquiries@shaidy.co.uk

SHAIKY & Co.
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Department of Planning and Conservation
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X	MDC	TP	CAC	AD	CLU	AO
IR						AK
R.B.	30 JAN 2003		PLANNING			
K.C.			43			
C	SW	SE	APP	IO	REC	
			ARB	PLN	DES	REF

COPY FOR
MASTER FILE
WITH RED LINED PLAN ETC.

PP030311

SHAIKY & Co.
S O L I C I T O R S

Royal London Borough of Kensington & Chelsea
Department of Planning and Conservation
Town Hall
Hornton Street
London, W8 7NX

Our Ref:
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Your Ref:
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N	C	SW	SE	APP	IO	REC
			ARB	PLN	DES	FEES

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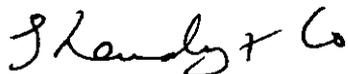
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Shaiky & Company

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Christmas Holiday

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TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF
PLANNING &
CONSERVATION

MY REF(S): PA/HD/ E/97/0059

YOUR REF:
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 2081

DATE: 27.3.00

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL 221 WESTBOURNE PARK ROAD, W11

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

DISTRIBUTION LIST:

CHAIRMAN, PLANNING & CONSERVATION COMMITTEE
VICE CHAIRMAN, PLANNING & CONSERVATION COMMITTEE
COUNCILLOR A.J.A.D. FITZGERALD (CHURCH WARD ONLY)
COUNCILLOR R. HORTON
COUNCILLOR I. DONALDSON
CHIEF EXECUTIVE & TOWN CLERK..... J. HARGREAVES RM: 253
DIRECTOR OF LEGAL SERVICES..... L. PARKER RM: 315
LEGAL ASSISTANT (ENFORCEMENT ONLY).. S. SCOTT RM: 315
LAND CHARGES..... J. STEVENS B1
COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29
TRANSPORTATION..... B.MOUNT RM: 230
EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION
HEAD OF DEVELOPMENT CONTROL
APPEALS OFFICER
NORTH
CENTRAL
SOUTH-EAST
SOUTH-WEST
INFORMATION OFFICE
FORWARD PLANNING..... G. FOSTER
DESIGN..... D. MCDONALD
STATUTORY REGISTER
FILE(S)
SYSTEMS..... C.PEACH



The Planning Inspectorate

Room 1111(1)
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878269
Switchboard 0117-9878000
Fax No 0117-9878782
GTN 1374-8269

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
The Town Hall
Hornton Street
London
W8 7NX

Your Ref:

Our Ref:
APP/K5600/C/99/1028007

24 March 2000

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY G CARS UK LTD
SITE AT 221 WESTBOURNE PARK ROAD, KENSINGTON, LONDON, W11

I enclose a copy of our Inspector's decision letter.

Yours faithfully

P. D. Coombs

Mr K Carpenter

212A

ENC1

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
<i>rs</i> 27 MAR 2000							
PLN	IO	REC	ARB	FWD PLN	CON DES	FEES	



Appeal Decision

inquiry held on Tuesday, February 08, 2000

by T.J. Morgan LL.B (Hons) Solicitor

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

24 MAR 2000

Appeal : T/APP/K5600/C/99/1028007

- The appeal is made under Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice.
- The appeal is brought by G Cars UK Ltd. against The Royal Borough of Kensington and Chelsea Council.
- The site is located at 221 Westbourne Park Road, Kensington, London W11 shown edged red on the plan attached to the notice.
- The Council's reference is LJ/10020470 (E/97/0059/N)
- The notice was issued on 23 June 1999.
- The breach of planning control as alleged in the notice is without planning permission, unauthorised change of use of the property's two basement rooms from ancillary storage for a retail Class A1 use to a minicab office.
- The requirements of the notice are cessation of the use of the premises as a minicab office.
- The period for compliance with the requirements is two calendar months.
- The appeal was made on the grounds set out in section 174(2) (a) (d) & (g) of the 1990 Act

Decision: It is directed that the enforcement notice shall be corrected by the deletion of the words 'two basement rooms from ancillary storage for a retail Class A1 use to a minicab office' from paragraph 3 of the notice and the substitution therefor of the words 'ground floor and basement to a mixed use as travel agency and minicab office'.

and varied by the deletion from paragraph 5 of the notice of the words 'two months' and the substitution therefor of the words 'four months'.

Subject thereto the appeal is dismissed, the notice upheld as corrected and varied, and planning permission refused on the application deemed to have been made under S177(5) of the amended Act.

Procedural matters

1. In the course of correspondence after the appeal was lodged, the appellant company added ground (b) to the grounds of appeal. The reason given for this was that the change of use only involved one of the basement rooms, and thus, the breach of planning control alleged in the enforcement notice had not occurred as a matter of fact. I deal also with this ground of appeal. At the Inquiry, I raised the possibility that the notice might need correction. This was because the description of the appeal site included unrelated residential accommodation above the appeal premises and the correspondence indicated that the travel agency use was continuing at the premises as well as the minicab office use. My inspection of the premises revealed this to be the case, for while the minicab office was confined to the basement, the travel agency use took place in both the ground floor and basement.

APPEAL DECISION

2. I consider the allegation should be corrected to describe the breach as a change to a mixed use as travel agency and minicab office occurring in the ground floor and basement of the property. I consider all parties are fully aware of the extent of the notice, and what the breach alleged involves. Therefore, I can use my powers to correct the notice without causing injustice. All the evidence given at the Inquiry was taken on oath.

The appeal under ground (b)

3. In discussion on the possible correction of the notice, the agent for the appellant agreed that were the notice to refer to a mixed use taking place in the whole of the premises owned by the company, then the appeal under ground (b) would fail. I have decided to correct the notice to this effect and this means that the breach of control alleged in the corrected notice has occurred as a matter of fact. I would add, for completeness and avoidance of doubt, that on my site inspection I noticed that the front basement room contained files and papers relating to the minicab business. The owner of the appellant company (and its successor Flying Cars) confirmed at the Inquiry that he used the front basement office in connection with the minicab operation as well as his other businesses. Thus, it appears to me that the core administration for the minicab business is carried out in that room while the other room is used for the day to day running of the business involving radio contact with drivers and booking of fares by telephone or in person. As a matter of fact and degree, I consider the minicab business takes place in both the basement rooms. For the above reasons, and in the light of the corrections made, the appeal under ground (b) does not succeed.

The appeal under ground (d)

The evidence for the appellant

4. Mr George Kannan gave evidence in person and by submission of a statutory declaration. He became the owner of G Cars UK Ltd and G Travels & Tours when he purchased them in 1997 at the same time as he acquired the leasehold of the appeal premises from Mr Dooley Riaz who had originally established both businesses. Mr Kannan gave evidence that he became aware of the appeal premises during 1988 when he called there to book travel tickets and a taxi to the airport for a visit to Los Angeles, although he later told me that this visit was in 1987. He said he had also picked up fares from the premises when working for a mini cab company called Mercury Cars. He became aware of a minicab Business (also known as Flying Cars) operating from the appeal premises, but did not know if they operated a radio link to drivers there. In response to my questions, Mr Kannan stated that his first visit to the premises had been to book his holiday tickets in 1987, but he only became aware that the minicab business was operating from the basement in 1997 when Mr Diaz showed him the control room.
5. Mr Robin Ogol gave evidence in person and by submission of a statutory declaration. He stated that he had moved into the area in 1988, living in All Saints Road. His girl friend at that time lived in Bayswater and had used Flying Cars for journeys to her home. He had booked cabs with them by telephone and calling at the office, and become friendly with the owner, Mr Dooley Riaz as they both came from Uganda. In cross examination, Mr Ogol said that in 1988 he had only gone into the ground floor office of the travel agency and not the basement. He repeated this in re-examination, but in response to my questions said that in 1988 he had gone to the premises only once, and on this occasion visited the rear basement office and noticed radio equipment there.

APPEAL DECISION

6. Mr Ogol told the inquiry that he worked for Mercury Cars between 1990 and 1993 and for Flying Cars (run by Mr Dooley) between 1993 and 1994. In cross-examination, he said that when working for Mr Dooley he went to the premises to pay rent. The hire office was in the rear basement room and contained two way radio equipment used to communicate with drivers, but he did not have access to the basement and did not use the side entrance in Powis Terrace. The business did not cater for base customers during this time. In re-examination Mr Ogol said that he did go to the basement when he worked for Flying Cars in order to pay rent and noticed the radio equipment on a table in the rear basement room.
7. Statutory declarations by Zsigmond Juhasz, Anne Thompson, and John Nicholas Meller were produced by the appellant. Mr Juhasz declared that he worked for the appellant company and had become aware of the taxi operation called Flying Cars in 1988 when he was working for Mercury Cars. Flying Cars was a small operation and sometimes passed excess work to his firm. He had visited them at the appeal premises at this time to collect an address for a job that had been given to his company. He had gone into the travel agents to collect the docket for the job. The rear basement room was used as an office for Flying Cars where phone calls were received.
8. Mrs Thompson declared that she had used the taxi service at 221 Westbourne Park Road on many occasions during the last 10 – 12 years. She first became aware of the service when booking flights for a relative and had arranged a taxi at the same time on at least four occasions. Mr Meller declared that he was a property agent for the head lessee responsible for the sub leasing of the appeal premises. He had become aware of a minicab service at 221 Westbourne Road in 1996 when he visited the premises and met Mr Dooley. He was unaware of the length of time before 1996 that the minicab business had operated.
9. A letter from Mr Dooley confirmed he was the owner of the appeal premises and business therein from 1979 to 1997. He indicated that he had established a taxi operation in tandem with his travel agency in 1988. Taxis were supplied by Mr Dooley to take or pick up customers of the travel agency to and from the airport. The business was small scale employing five cars/drivers. When excess calls were received they would be directed to Mercury Cars. The majority of extra work was not related to the travel. In 1996 a separate number was registered for the minicab service (0170 221 3888) because of the size of the operation. An extract from 'Yellow Pages' of 1996 indicates Flying Cars (with the above telephone number) operating from the appeal premises. Yellow Pages in 1997 indicate G Cars (with the above number and two others) operated from the premises. A letter from Image Factory publishers indicates art work was produced for Flying Cars at the above telephone number in 1996; the factory was under new management and no earlier records could be found.

The evidence for the Council

10. The Council, through their planning witness, produced evidence in the form of land use records held by the planning department, which showed that on an inspection in 1993, the basement was being used as ancillary office (40%) and storage space (60%), in connection with the ground floor retail A1 use. A report on a planning application presented to the Planning Services Committee in July 1990 also states that an inspection revealed that the basement was in use for ancillary storage purposes, and there did not appear to be any intention to form a separate basement unit which would involve a change of use. Business rates records only show occupation by G Cars since July 1997 and previous occupiers

APPEAL DECISION

names are not reflective of minicab business. There are two periods in which the property was rated as unoccupied; for a month in 1995 and 9 months in 1996/1997.

11. The Council also called several local residents who gave evidence in relation to the history of use of the appeal premises as well as the effects the present use was having on their amenities. Mr R N Lovegrove stated that he had lived in Powis Terrace for almost ten years, and since 1995 at the rear of the appeal premises. On moving in to no.21 he noted that the well to the rear of the basement was full of discarded refuse, there was no access to the basement at 221, and no evidence of a taxi business operating from there. Mr J B Danvers said that he had lived in 24 Powis Terrace since 1983 and owns three shops in the terrace. He stated that there had never been a minicab office at the premises until about two years ago when the present business started up. Prior to that it had always been a travel agency.
12. Mr J Green stated that he was the Director of Mercury Cars based in All Saints Road and operating from there for the last 18 years. He had worked for the company since 1982 and taken over the business in 1988. He said that Mr Kannan had worked for Mercury from about 1985 until March 1997 when he left to set up G Cars. He was familiar with the area and knew Mr Riaz who had used his firm for taking customers of the travel agency to the airport. He was sure that there was no taxi firm operating from the premises prior to early 1997. The Council also submitted a statement from Mr S W D Banks, a solicitor practising at 25 Powis Terrace since July 1989. He had noted at the time that a minicab office has opened at the appeal premises and put up a sign on or about 1 May 1997. He had passed the side door of the minicab office at least once every week-day and would have been aware of a minicab office operating from the premises for any appreciable time before 1 May 1997. The premises had not been used as a minicab office for as long as three years.

Other evidence

13. Mr B T Andersen stated that he had lived in the area since 1989, and at Powis Terrace since 1993. He knew the area well and had used the travel agency to buy travel tickets. There was no sign of a minicab operation on his visits to the premises until 1997. He produced a copy of a lease to Mr Kannan dated 21 July 1997 and this co-incided with the start of minicab operations from the appeal premises, which certainly had not existed for 10 years at the premises. A written statement submitted at the Inquiry by Mr J Nutt indicated that he had lived in the middle flat above the appeal premises from 1995 to 1999. He stated that there was no minicab business operating from the premises when he bought the flat in 1995, and the then owner, Mr Riaz, had told him he could keep bicycles in the small yard area outside the basement rooms. There continued to be no minicab business operating from the premises until 1997 when Mr Kannan bought the ground floor and basement.

Conclusions on ground (d)

14. In his evidence Mr Kannan unequivocally stated that he had no knowledge of what took place in the basement of the appeal premises until 1997 when he was in the process of purchasing the property and businesses from Mr Riaz. I do not doubt he booked air tickets and a taxi at the premises in either 1988 or 1987, but this does not show that a minicab business was operating from the premises, but simply that a fare was arranged and possibly picked up there. Similarly the calls he made to pick up fares at the premises when working for Mercury do not provide proof of a business operating from there. Mr Ogol's evidence on the use of the basement was, at times, contradictory and confused. As a consequence, I

give little credence to his recollection, apparently derived from a single visit, of there being an operating base for a minicab business in the basement in 1988. I find the declaration of Mr Juhasz to be unclear as to whether his belief that a minicab operation was based in the basement was based on personal observations of what took place in the basement or an inference drawn from other circumstances. As he did not appear to give evidence this could not be explored.

15. It is not disputed that minicab journeys were arranged at the premises during the period of Mr Diaz's occupation, but it appears to me from the evidence that these were mainly in connection with airport trips in connection with air travel booked with the travel agency. Such arrangements are specifically mentioned by Mr Kannan and Mrs Thompson. Indeed, Mr Riaz explains in his letter that the taxi operation was small scale and worked in tandem with the travel agency carrying its customers to and from the airport. Extra work, the majority of which was not related to the travel agency, was passed to Mercury Cars.
16. The documentary evidence of the Council is consistent and cogent. It reveals that records, involving inspections of the property by both rating and planning departments, the latter relating specifically to uses taking place, contain no reference to a minicab use at the premises. I consider an inspection by planning officers, particularly in connection with the application would have disclosed the existence of a minicab operation if it were present. Local residents and business occupiers, who would have a day to day knowledge of the premises, are consistent in their evidence that the first sign of a minicab operation being at the premises was in 1997 when Mr Kannan acquired the property. The business may have started in 1996, as evidenced by the yellow pages entry, but its presence may not have been apparent at that time. In any event, I conclude that on the balance of probabilities, the premises have not been used as a minicab office for a period of 10 years before the issue of the enforcement notice. At most there may have been some booking of minicabs and picking up of customers at the offices for travel agency, but as a matter of fact and degree this would have been ancillary or incidental to the use of the premises as a travel agency. Consequently, the appeal under ground (d) does not succeed.

The appeal under ground (a) and the deemed application

The main issues

17. From my inspection of the site and its surroundings and examination of the representations made at the Inquiry and in writing, I consider the main issues in this ground of appeal to be the effect of the proposal on the living conditions of neighbouring residents and its consequences for parking and the safety and free flow of traffic in the vicinity.

Inspector's reasons

18. The Unitary Development Plan for the Royal Borough of Kensington and Chelsea was adopted on 28 August 1995. Policy STRAT 1 seeks to give priority to the protection and enhancement of the residential character and amenity of the Royal Borough. This is carried forward in Policy STRAT 5, which provides that all development preserves or enhances residential character. Policy H4 resists the encroachment into residential areas of commercial activities which would be inappropriate by virtue of size, scale, hours of operation, traffic generation or nature of use, while Policy CD34 seeks to resist proposals where noise generated would cause significant disturbance to surrounding properties. Policy TR39 resists development, which would result in any significant increase in

congestion, or any significant decrease in safety, on the roads or public transport. Both main parties regard the above policies as relevant. Policy TR42 is considered relevant by the appellant, but I accept the Council's submission that this relates to taxis (in the sense of registered hackney carriages) and not minicabs. The distinction is understandable and supportable because the former are subject to licensing and regulatory control, but the latter are not.

19. The appeal site is a corner property on the junction of Westbourne Park Road and Powis Terrace (a one way street exiting into Westbourne Park Road). The site is on the periphery of the Westbourne Park Road local shopping centre, a close grouping of 12 commercial units. Powis Terrace is almost wholly residential, although there are commercial uses at the Westbourne Park Road end. The appeal premises consist of the ground floor and basement of 221 Westbourne Road, and there are flats, in separate ownership on the three upper floors. The ground floor contains the public reception area for the travel agency and various items of computer equipment used in connection with an internet service. A stairway at the rear leads to the basement containing a general office to the front, the minicab operation office to the rear and a small kitchen area at the end of a short passage. The basement can also be accessed by a door in Powis Terrace, which opens onto steps leading down into a small courtyard and a door into the operation room.
20. Although there are commercial uses in the immediate vicinity of the appeal site, the locality is predominantly residential. This is particularly so in Powis Terrace, and despite the presence of other commercial or visitor generating uses in the locality, including the Tabernacle and restaurant/licensed premises pointed out by Mr Saaka, the residents can expect a reasonable degree of freedom from disturbance particularly in late night/early morning hours, for, as I understand it, most of the commercial uses in the vicinity do not have opening hours that extend beyond midnight. I note the extract from the company log shows that many trips are generated by telephone bookings and do not involve customers calling to the premises. However, while I do not consider an exact apportioning of trips is necessary, there appears to me to be a significant proportion of trips involving callers to the office. This is substantiated by the evidence of local residents and I have no reason to doubt their evidence of these calls or the disturbance that those involving late night customers causes them.
21. The observations of a private investigator employed by the Council also show callers to the premises, albeit during daytime and evening hours. I am sure that, despite the assurance that drivers need not call at the office except to pay rent, drivers made most of these observed calls. It is my experience of minicab operations that drivers often wait at, or close to their bases in between calls, particularly if they are in the vicinity. Their presence in this case is confirmed by the evidence of local residents tendered both at the Inquiry and in writing. Late at night, it is also likely that drivers would prefer to wait at the office rather than in their cabs for social and security reasons. Mr Kannan told me that the minicab office is manned on a 24 hour basis with 4 controllers working in shifts, and up to 20 drivers working at any given time out of a pool of 40. The description by residents of the nature and level of activity and disturbance attributable to late night use of a minicab service of this scale is not, in my judgement, untypical of such uses, and I find their evidence of the impact to be convincing and consistent.
22. The degree and unacceptability of the disturbance the minicab business causes to the living conditions of neighbouring residents and the effect such activity has on the residential character of the locality amount to compelling planning objections to that use at the

premises. This amounts to conflict with the development plan policies STRAT1, STRAT5, CD34 and H4

23. The evidence of the Council's highway witness indicates a high demand for a limited number of on street residents' parking spaces and consequent severe pressure for on street parking. I have no reason to doubt the written and verbal evidence of local residents of the difficulties they have in finding parking places convenient to their homes or of the congestion caused in Powis Terrace by illegal or double parking. This is also borne out by the observations of Mr Dongworth during his surveillance. Although this took place during the pre Christmas period, the overall impression that I gain is one of the minicab business causing undue pressure for parking regardless of the season. This is combined with instances when parking of minicabs caused congestion and illegal parking with a consequent risk to the safety of highway users. The result is further conflict with the development plan in the form of Policy TR39. These conflicts mean that, in accordance with Section 54A of the 1990 Act, permission should not be granted for the change of use unless material circumstances indicate otherwise.
24. I appreciate that the minicab business offers a public service, albeit one which does not enjoy the support of Policy TR42. It also provides valuable employment for about 40 drivers and 4 control staff. I also note the appeal decision submitted by the appellant concerning the need to balance benefits against harm when making decisions such as this. It is my conclusion that in this case the harm that I have identified materially outweighs the benefits that the business creates. I have considered the ability to control the effects of the use by imposition of conditions. I realise the removal of the signage that advertises the business and the blocking up of the side door would remove visual signs of its presence. However, the past usage, the nature of minicab hire and the presence of cabs in the vicinity inevitably means the public would be aware of its location and callers could still seek cabs at unsociable hours with consequent disturbance to local residents.
25. Soundproofing of the premises would reduce noise from it, but this would not affect outside noise sources associated with the business, and the restriction of communications between base and drivers to radio control would be difficult to enforce, and would not necessarily prevent their visits to the premises or parking in Powis Terrace. The use has been active for about three years and I see no advantage or purpose in giving permission for a trial period. There is no particular reason for making the permission personal to Mr Kannan, and his control of the business does not affect the impact of the use. Thus, I am certain that conditions would not overcome the compelling planning objections I have identified and there are no other material circumstances that justify a decision other than in accordance with the development plan, namely to refuse planning permission for the change of use.

The appeal under ground (g)

26. The public service and employment that the minicab business provides are matters that deserve encouragement, and the business could continue from other, more suitable premises. The period of two months for compliance with the notice gives an insufficient opportunity for such a possibility to be investigated, although the actual move, if new premises are found, could take place fairly quickly. In the circumstances, and bearing in mind the harm the breach causes, I consider the compliance period should be extended to four months, as this gives a reasonable opportunity for the appellant to pursue a search for alternative premises. To this extent the appeal succeeds and I intend to vary the requirements of the notice.

APPEAL DECISION

Conclusions

27. I have noted the support for the business and the comments made on behalf of the community by Mr M A Saaka at the Inquiry, but they do not alter the conclusions I have reached on the planning merits of the matter before me. I have taken account of all other matters raised, including the use of the company's minicabs by residents of Powis Terrace, but none outweigh the planning considerations that lead me to my decision. For the reasons given above I conclude that the appeal should not, on balance, succeed. I shall exercise the powers transferred to me uphold the notice with corrections and variations and refuse to grant planning permission on the deemed application.

Rights of appeal against decision

28. This decision is issued as a determination of the appeal before me. Particulars of the rights of appeal against my decision to the High Court are enclosed for those concerned.

W Morgan

APPEAL DECISION

APPEARANCES

FOR THE APPELLANT:

Mr D Smith BSc MSc DipUPI MRTPI

He gave evidence himself and called

Mr G Kannan

Owner of the appeal company, 39 Bromsgrove Garden, Edgware, London

Mr R Ogol

Driver for G Cars, 19 Bridge Avenue, Hammersmith, London

FOR THE LOCAL PLANNING AUTHORITY:

Miss L Jackson

Solicitor with the Council

She called

M/s E Richards BSc (Hons)

Senior Planning Enforcement Officer with the Council

M/s G Palmer BSc MSc MCIT MIHT
MILT MRTPI

Transport Planner and Chartered Town Planner, Consultant to the Council

Mr R Dongworth

Private Investigator employed by the Council

Mr R N Lovegrove

Local resident, 21 Powis Terrace, Kensington, London W11

Mr J B Danvers

Local resident, 24 Powis Terrace, Kensington, London W11

Mr J Green

Owner of Mercury Cars, 15 All Saints Road, London W11

INTERESTED PERSONS:

Miss K Reed

Local resident, First Floor Flat, 221 Westbourne Park Road, London W11

Mrs T Andersen

Local resident, 18-22, Powis Terrace, Kensington, London W11

Mr B T Andersen

Local resident, 18-22 Powis Terrace, Kensington, London W11

Mr M A Saaka

Local resident and representative of community groups, 87 Powis Square, Kensington, London W11

APPEAL DECISION

DOCUMENTS

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| Document | 1 | List of persons present at the inquiry |
| Document | 2 | Notification of Inquiry, list of those notified and 3 responses |
| Document | 3 | Appendices A to D to Mr Smith's proof of evidence |
| Document | 4 | Extract from minicab hire log |
| Document | 5 | Statutory declaration of Mr G Kannan |
| Document | 6 | Statutory Declaration of Mr R Ogol |
| Document | 7 | Statutory Declaration of Mr Z Juhasz |
| Document | 8 | Statutory Declaration of Mrs A Thompson |
| Document | 9 | Statutory Declaration of Mr J N Meller |
| Document | 10 | Letter from Mr R Dooley to agent for appellant 31 January 2000 |
| Document | 11 | Extract 1996 Yellow Pages |
| Document | 12 | Extract 1997 Yellow Pages |
| Document | 13 | Letter from Image Factory to agent for appellant 4 February 2000 |
| Document | 14 | Planning Inspectorate decision letter ref. T/APP/K5600/645681/P6 |
| Document | 15 | Planning permission ref. PP/99/01976/CUSE/38/6008 |
| Document | 16 | List of addresses of customers in Powis Terrace |
| Document | 17 | Bound volume of appendices 1 to 14 to M/s Richard's proof of evidence |
| Document | 18 | Appendices 1 & 2 to M/s Palmer's proof of evidence |
| Document | 19 | Witness statement Richard Dongworth |
| Document | 20 | Witness statement MR & Mrs R Lovegrove |
| Document | 21 | Witness statement Mr J Green |
| Document | 22 | Witness statement Mr S W D Banks |
| Document | 23 | Witness statement Nicholas You and Wendy Mandy |
| Document | 24 | Witness statement Kate Reed |
| Document | 25 | Written statement from Laurence Belgrave |
| Document | 26 | Copy Fax Christopher & Diana Gibb to Council |
| Document | 27 | Written statement Jamies Nutt |
| Document | 28 | Copy lease Langbar Group Ltd to Mr Kannan dated 21 July 1997 |
| Document | 29 | Bundle of letters in response to appeal notification |
| Document | 30 | Council list of suggested conditions |

The Planning Inspectorate

An Executive Agency in the Department of the Environment, Transport and the Regions, and the Welsh Office

RIGHT TO CHALLENGE THE APPEAL DECISION

The attached appeal decision is final unless it is successfully challenged in the Courts on a point of law. If a challenge is successful the case will be returned to the Secretary of State by the Court for re-determination. However, if it is re-determined, it does not necessarily follow that the original decision on the appeal will be reversed.

Depending on the circumstances, an appeal may be made to the High Court under either or both sections 288 and 289 of the Town & Country Planning Act 1990. There are differences between the two sections, including different time limits, which may affect your choice of which to use. These are outlined below.

You may wish to consider taking legal advice before embarking on a challenge. The following notes are provided for guidance only.

CHALLENGES UNDER SECTION 289

Section 289(1) relates to decisions on enforcement appeals. The appellant, the local planning authority or any person having an interest¹ in the land to which the enforcement notice relates may appeal to the High Court against the decision on a point of law.

An appeal under section 289 may only proceed with the *leave* (permission) of the Court. An application for leave to appeal must be made to the Court within 28 days of the date of the appeal decision, unless the period is extended by the Court.

If you are not the appellant, the local planning authority or a person with an interest in the land but you want to challenge an enforcement appeal decision on grounds (b) to (g), or the decision to quash the notice, you may make an application for judicial review. You should seek legal advice promptly if you wish to use this non-statutory procedure.

CHALLENGES UNDER SECTION 288 OF THE 1990 ACT

Decisions on appeals under section 78 (planning) or section 195 (Lawful Development Certificate) may be challenged under this section. Section 288 also relates to enforcement appeals, but only to decisions granting planning permission or discharging conditions. Success under section 288 alone would not alter any other aspect of an enforcement appeal decision. The enforcement notice would remain quashed unless successfully challenged under section 289 or by judicial review.

Section 288 provides that a person who is aggrieved by the decision to grant planning permission or discharge conditions (on an enforcement appeal) or by any decision on an associated appeal under s78 or s195 of the Act, may question the validity of that decision by an application to the High Court on the grounds that:-

- i) the decision is not within the powers of the Act; or
- ii) any of the 'relevant requirements' have not been complied with ('relevant requirements' means any requirements of the 1990 Act or of the Planning & Tribunals Act 1992, or of any order, regulation or rule made under either Act).

¹ To have an interest in the land means essentially to own, part own, lease and in some cases, occupy the site.

These two grounds mean in effect that a decision cannot be challenged merely because someone does not agree with an Inspector's judgement. Those challenging a decision have to be able to show that a serious mistake was made by that Inspector when reaching his or her decision; or, for instance, that the inquiry, hearing or site visit was not handled correctly, or that the appeal procedures were not carried out properly. If a mistake has been made the Court may decide not to quash the decision if the interests of the person making the challenge have not been prejudiced.

Please note that under section 288 an application to the High Court must be lodged with the Crown Office within 6 weeks of the date of the accompanying decision letter. This time limit cannot be extended. Leave of the High Court is not required for this type of challenge.

ADVICE

If you require further advice on making a High Court challenge you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL. Telephone: 0171 936 6000.

INSPECTION OF DOCUMENTS

In an inquiry case, any person who is entitled to be notified of the decision has a statutory right to view the listed documents, photographs and plans within 6 weeks of the date of the decision letter. Other requests to see appeal documents are not normally refused but please note that our appeal files are usually destroyed one year after the decision is issued. Please make your request to Room 11/00, Tollgate House, Houlton Street, Bristol, BS2 9DJ, quoting the Inspectorate's appeal reference and stating the day and time you wish to visit. Give at least 3 days' notice and include a daytime telephone number, if possible.

COMPLAINTS TO THE INSPECTORATE

You can make a written complaint about the decision letter, or about the way in which the Inspector has conducted the case, or any procedural aspect of the appeal to the Complaints Officer in Room 14/04, Tollgate House, Houlton Street, Bristol, BS2 9DJ quoting the Inspectorate's appeal reference. We aim to send you a full reply within 15 days of receipt of your letter. Please note that, once the decision has been issued, we cannot reconsider any appeal or the decision. This can be done only following a successful High Court challenge as explained in this leaflet.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (THE OMBUDSMAN)

If you consider that you have been unfairly treated through maladministration on the part of the Inspectorate or the Inspector you can ask the Ombudsman to investigate. The Ombudsman cannot be approached directly; only an MP can pass on your request. In most cases, your local MP may be the easiest to contact (their name and address is listed at the local library) although you may approach another MP if you prefer. Although the Ombudsman can recommend various forms of redress he cannot alter the appeal decision in any way.

COUNCIL ON TRIBUNALS

If you feel there was something wrong with the basic procedure used for the appeal, you can make a complaint to the 'Council on Tribunals', 22 Kingsway, London, WC2B 6LE. The Council will take the matter up if they think it comes within their scope. They are not concerned with the merits of the appeal and cannot change the outcome of the appeal decision.