

## Other Documents

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| Part 6 | Part 15 |
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# DEVELOPMENT CONTROL TECHNICAL INFORMATION

THE ROYAL  
BOROUGH OF



M.I.  
KENSINGTON  
AND CHELSEA

ADDRESS 84 Kensington High Street

POLLING DISTRICT CAB

- |     |  |        |  |
|-----|--|--------|--|
| 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 |     |    |    |      |       |        |
| 1/6               |    |     |     |     |     |     |     |                               | ✓   |   |     |    |    |      |       |        |

|  |   |
|--|---|
|  | 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 |  |

|                    |           |  |
|--------------------|-----------|--|
| <b>Daylighting</b> | Complies  |  |
|                    | Infringes |  |

|                    |                 |  |
|--------------------|-----------------|--|
| <b>Car Parking</b> | Spaces Required |  |
|                    | Spaces Proposed |  |

**Notes:**

## 84 KENSINGTON HIGH STREET

Property Card N° : 0449 110 00

Site name :  
 Comment :  
 TP Arch/History : 44274 H 7400  
 See Also :  
 Xref :  
 Notes :

CA031753

| TP No | Brief Description of Proposal                     | 1 of 8 | Adverts & History No            |
|-------|---|--------|---------------------------------|
|       | THE USE OF THE 3RD FLOOR AS AN EMPLOYMENT AGENCY. |        | CA 65<br>CA 80/222<br>CA 86/103 |

| Received  | Decision & Date          |
|-----------|--------------------------|
| Completed | Unconditional 03/03/1949 |
| Revised   |                          |

| TP No | Brief Description of Proposal                        | 2 of 8 |
|-------|--|--------|
|       | USE OF THE 2ND FLOOR AS A LADIES HAIRDRESSING SALON. |        |

| Received  | Decision & Date          |
|-----------|--------------------------|
| Completed | Unconditional 06/02/1962 |
| Revised   |                          |

| TP No | Brief Description of Proposal  | 3 of 8 |
|-------|--|--------|
|       | THE USE FOR A LIMITED PERIOD OF THE GROUND FLOOR SHOP AS A BETTING OFFICE. |        |

| Received  | Decision & Date        |
|-----------|------------------------|
| Completed | Conditional 23/12/1964 |
| Revised   | LIMITED TO 17/12/1967  |

| TP No | Brief Description of Proposal  | 4 of 8 |
|-------|--|--------|
|       | THE USE FOR A LIMITED PERIOD OF THE GROUND FLOOR AS A BRANCH OFFICE OF THE LEEDS PERMANENT BUILDING SOCIETY. |        |

| Received  | Decision & Date        |
|-----------|------------------------|
| Completed | Conditional 14/03/1966 |
| Revised   | LIMITED TO 30/10/1969  |

## 84 KENSINGTON HIGH STREET

Property Card No : 0449 110 00

Site name :  
 Comment :  
 TP Arch/History : 44274 H 7400  
 See Also :  
 Xref :  
 Notes :

CA031753

TP No Brief Description of Proposal 5 of 8  
 THE INSTALLATION OF A NEW SHOPFRONT.

Received Decision & Date  
 Complettd Unconditional 03/06/1966  
 Revised

TP No Brief Description of Proposal 6 of 8  
 THE CONTINUED USE OF THE GROUND FLOOR FOR A LIMITED PERIOD AS A BRANCH FOR THE LEEDS PERMANENT BUILDING SOCIETY.

Received Decision & Date  
 Complettd Conditional 04/11/1969  
 Revised LIMITED TO 30/10/1973

TP No TP/86/0200 Brief Description of Proposal 7 of 8  
 CONTINUED USE OF THE BASEMENT AND GROUND FLOOR SHOP AS A BUILDING SOCIETY BRANCH

PERSONAL

Received 29/01/1986 Decision & Date  
 Complettd 30/01/1986 Conditional 12/03/1986  
 Revised

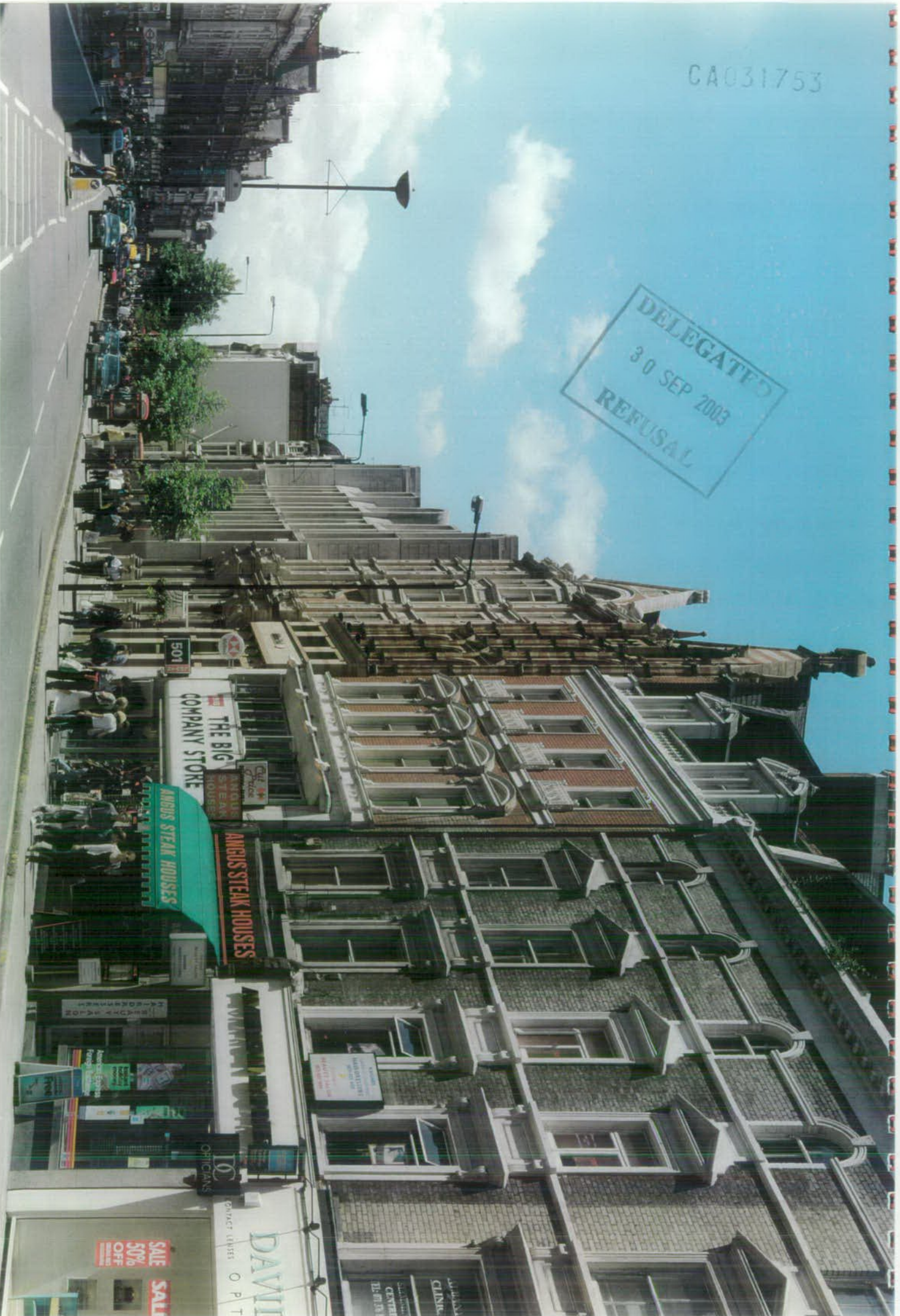
TP No TP/95/0631 Brief Description of Proposal 8 of 8  
 CONTINUED USE FOR PURPOSES WITHIN CLASS A2 (FINANCIAL AND PROFESSIONAL SERVICES) OF THE GROUND FLOOR AND BASEMENT WITHOUT COMPLIANCE WITH CONDITION - OF PLANNING PERMISSION DATED 12/13/1986, REFERENCE TP/86/0200.

Adverts &  
History NoCA/98/124  
CA/98/251

Received 12/03/1995 Decision & Date  
 Complettd 23/03/1995 Unconditional 05/06/1995  
 Revised

CA031753

DELEGATED  
30 SEP 2003  
REFUSAL



501

THE BIG STEAK HOUSES COMPANY STORE

ANGUS STEAK HOUSES

ANGUS STEAK HOUSES

DAVID OPTICALS

DAVID OPTICALS CONTACT LENSES OPT

SALE 50% OFF

SALE

CLINICAL CENTRE

2003  
2003

2003  
2003

|      |             |    |     |      |     |          |
|------|-------------|----|-----|------|-----|----------|
| EX   | HDC         | TP | CAC | AD   | CLU | AO       |
| DIR  |             |    |     |      |     | AK       |
| R.B. | 13 AUG 2003 |    |     |      |     | PLANNING |
| K.C. |             |    |     |      |     |          |
| N    | C           | SW | SE  | APP  | IO  | REC      |
|      |             |    | ARB | FPLN | DES | FEE      |

2003  
2003



DELEGATED

REFUSA

STEAK HOUSES

STEAK HOUSES

AMERICAN EXPRESS

KASARI  
Ladies & Gentlemen  
HAIRDRESSERS  
0171-937 8652  
Ladies & Gents  
BEAUTY SALON  
0171-937 1999

ALBANY  
CLINIC  
SEWING  
CENTRE  
TEL: 071 376 1942

DAVID  
SEP 2003  
CONTACT LENSES OPTI

SALE SALE SALE  
50% OFF  
ORIGINAL PRICE  
50% OFF

OPEN

CA031753

2003

|              |             |    |     |          |     |          |
|--------------|-------------|----|-----|----------|-----|----------|
| EX<br>DIR    | HDC         | TP | CAC | AD       | CLU | AO<br>AK |
| R.B.<br>K.C. | 13 AUG 2003 |    |     | PLANNING |     |          |
| N            | C           | SW | SE  | APP      | IO  | REC      |
|              |             |    | ARB | FPLN     | DES | FEE      |



Kassabis  
Hair & Beauty Limited  
1<sup>st</sup> Floor  
84 Kensington High Street  
London W8 4SG

CA031753

12 August 2003

The Royal Borough of  
Kensington and Chelsea

Planning and Conservation  
The Town Hall Hornton Street,  
London W8 7NX

Without Prejudice

Dear Sir/Madam

**DELEGATED**  
30 SEP 2003  
**REFUSAL**

|      |      |             |     |     |          |     |
|------|------|-------------|-----|-----|----------|-----|
| EX   | INDU | TP          | CAO | AD  | CLU      | AO  |
| DIR  |      |             |     |     |          | AL  |
| R.S. |      | 13 AUG 2003 |     |     | PLANNING |     |
| L.C. |      |             |     |     |          |     |
| N    | C    | SW          | SE  | APP | IO       | REC |
|      |      | ARBIT       |     | PLN | DES      | FEE |

Please find attached 2 completed advertisement applications with drawings as requested. I have also attached copies of the original façade photographed in 1998. I have also taken the trouble of taking several photos of other businesses signage both up and down Kensington High Street and Church Street. I have numbered the photos for ease of reference in conjunction with this letter. As you will see from these photos there are several businesses with signage that appear much more intrusive than mine. You will also note from the photos that my signs do not stand out amongst the other signs and are hardly noticeable this is indicated in photos No 1 and 2. Photo 2 shows the sign of Morgan which is at the same height as our sign between the windows and is a projecting sign unlike ours which is flush to the wall and clearly noticeable. The only sign noticeable would be our projecting sign shown lower down and is a shared sign with the beauty salon located on the second floor. This is the same with our other sign above the main entrance door which is recessed into the building and is within its own building boundary. I have included 22 photos taken of premises up and down the high street and can honestly say that my signs are much better and safer than most. If you were honest with yourselves you would agree.

The signs are made from lightweight aluminium and are bolt anchored to the walls, this is the case for the sign between the first floor windows and the lower projecting sign. The sign above the door is fitted to the existing box and is only a fascia replacement screwed into existing box.

All that we have done is change old existing signage for new, the sign between windows which replaces the old sign is much safer as it sits flush to the wall and is not as deep as the old sign as you can see from the old photo. The old sign appeared too bulky and out of balance with the look of the building. We have created a smoother look with signs that blends in the background and do not appear intrusive or an eyesore. The colour of the signs are navy blue with illuminated white lighting which in the case of the sign between the windows is only illuminated during the night. It does not need to be illuminated during normal daylight hours. Only the sign above the door and the low level projecting sign are illuminated during normal daylight hours.

I hope this letter and our application satisfies the board and allow us to keep our signs as this is the only means we have in getting the public to notice us, specially when located above ground levels. Without these signs we will be out of business.

Yours sincerely  
Gevdet Mehmet

  
(Director of Kassabis Hair & Beauty Limited)



KASSABIS  
Ladies & Gentlemen  
HAIRDRESSERS,  
0171-937 4651  
Esthetiques  
BEAUTY SALON  
0171-937 1999

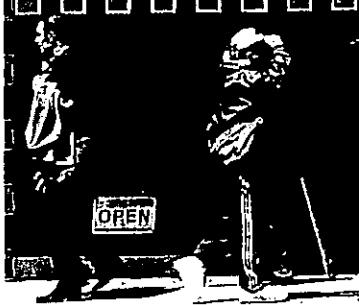
CLINIC  
DENTISTRY  
CENTRE  
TEL: 011 376 1942

TEA HOUSES

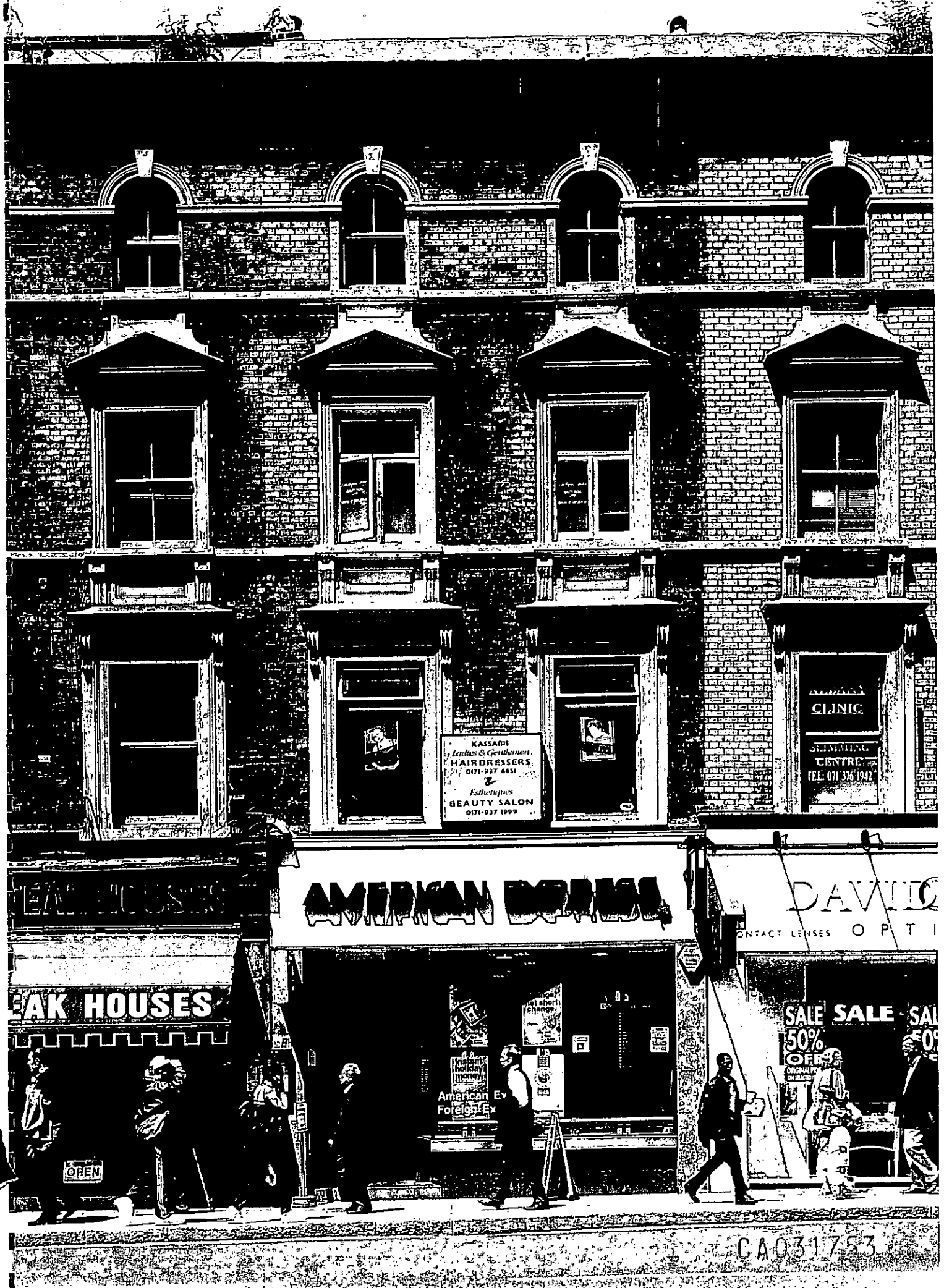
AMERICAN EXPRESS

DAVID  
CONTACT LENSES OPTI

TEA HOUSES



CA031753



KASSABIS  
Ladies & Gentlemen  
HAIRDRESSERS,  
0171-937 6451  
Esthetiques  
BEAUTY SALON  
0171-937 1999

CLINIC  
CENTRE  
TEL: 071 376 1942

BEAK HOUSES

AMERICAN EXPRESS

DAVID  
CONTACT LENSES OPTI

BEAK HOUSES

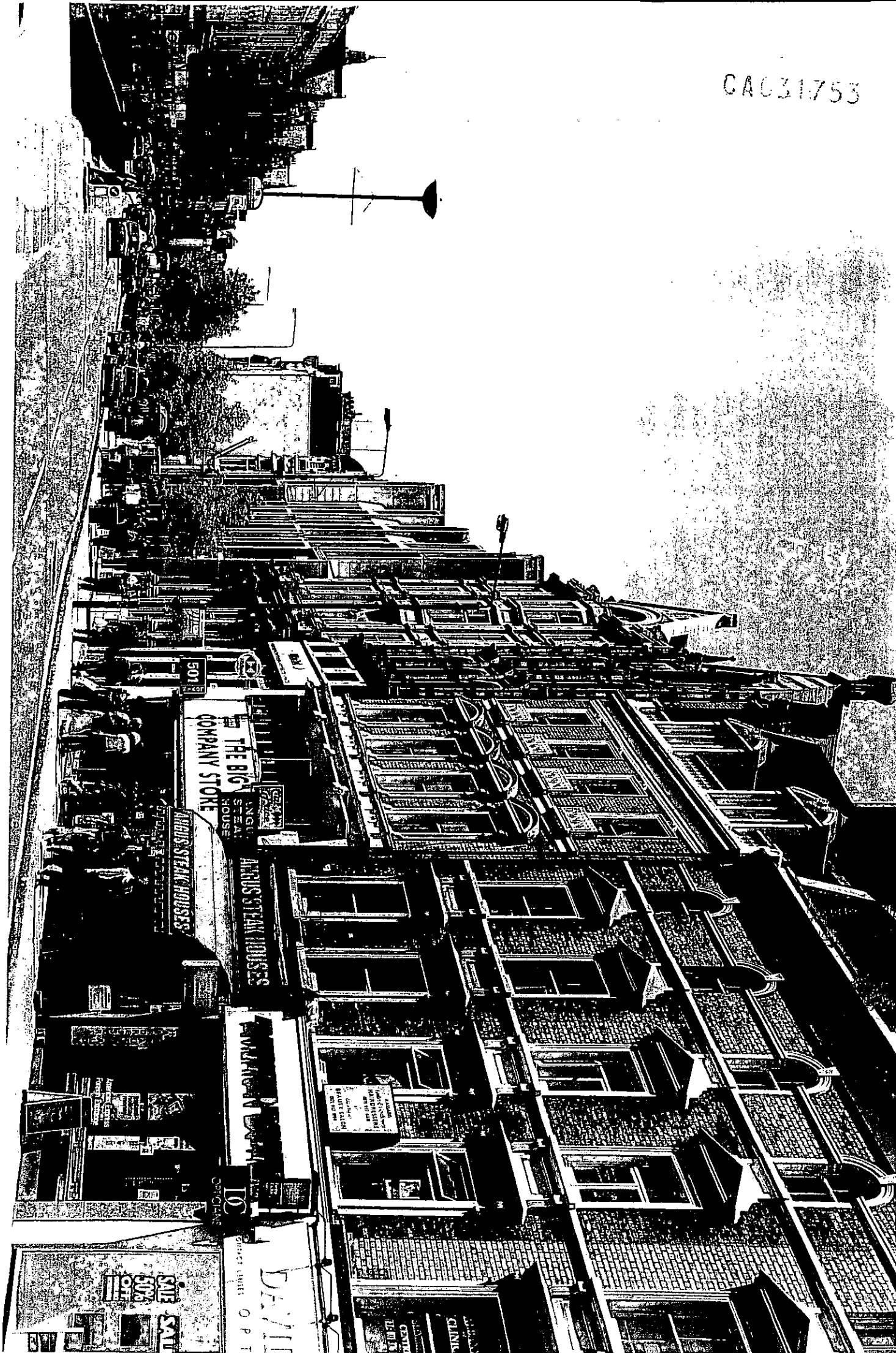
AMERICAN EXPRESS  
Foreign Ex

SALE SALE SALE  
50% OFF

OPEN

CA031753

CAG31753



Kassabis  
Hair & Beauty Limited  
1<sup>st</sup> Floor  
84 Kensington High Street  
London W8 4SG

CA031753

12 August 2003

The Royal Borough of  
Kensington and Chelsea

Planning and Conservation  
The Town Hall Hornton Street,  
London W8 7NX

Without Prejudice

|              |             |           |                 |     |      |     |      |
|--------------|-------------|-----------|-----------------|-----|------|-----|------|
| EX<br>DIR    | IND<br>TP   | CAS<br>AD | CLU<br>AO<br>AR |     |      |     |      |
| R.B.<br>L.C. | 13 AUG 2003 |           | PLANNING        |     |      |     |      |
| N            | G           | SW        | SE              | APP | IO   | REC |      |
|              |             |           |                 | ARB | FPLN | DES | FEES |

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Yours sincerely  
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(Director of Kassabis Hair & Beauty Limited)

Kassabis  
Hair & Beauty Limited  
1<sup>st</sup> Floor  
84 Kensington High Street  
London W8 4SG

CA031753

12 August 2003

The Royal Borough of  
Kensington and Chelsea

Planning and Conservation  
The Town Hall Hornton Street,  
London W8 7NX

Without Prejudice

|              |             |    |     |      |          |          |
|--------------|-------------|----|-----|------|----------|----------|
| EX<br>DIR    | HDC         | TP | CAG | AD   | CLU      | AO<br>AK |
| R.B.<br>R.C. | 13 AUG 2003 |    |     |      | PLANNING |          |
|              | C           | SW | SE  | APP  | IO       | REC      |
|              |             |    | ARB | FPLN | DES      | FEES     |

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Yours sincerely  
Gevdet Mehmet



(Director of Kassabis Hair & Beauty Limited)


**RBKC**  
**CONSERVATION AND DESIGN OBSERVATIONS**

|  |                                 |                                 |                    |                    |                    |
|--|---------------------------------|---------------------------------|--------------------|--------------------|--------------------|
| <b>Address:</b><br>84 Kensington High Street, W8.  | <b>App. No.:</b><br>CA/03/1753. | <b>D.C. Officer:</b><br>J.M.    | <b>L.B.:</b><br>-  | <b>C.A.:</b><br>6. | <b>Area:</b><br>C. |
| <b>Description:</b><br>Installation/retention of new signage at ground & 1 <sup>st</sup> floors. |                                 | <b>C&amp;D Officer:</b><br>J.A. | <b>Code:</b><br>S. |                    |                    |

**Comments:**

The first-floor sign is **absolutely unacceptable**, and upon this there can be no negotiation.

The other, ground-floor signs are not particularly welcome, but in the context of this part of Kensington High Street, could be difficult to resist.

 16-11-03

24/09/03

(PM)

Abusive phone call from breach (Gevdet Mehmet) telling me he was not going to ammend his application & would be going to his MP in the matter.

Advised him he could appeal in the matter but said he could not afford it and the Council is picking on him as small business man and letting the big boys get away with breaching planning/advert control as they could afford to challenge the Council.

He continually raised his voice (no swear words). Told him I would determine the application accordingly and that I was not prepared to be talked to in that manner, bided him good day and put the phone back on reciever.



---

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Mr Gevdet Mehmet  
Flat 1  
62 Lowther Hill  
London SE23 1PY

Switchboard: 0207-937-5464  
Extension: 2733  
Direct Line: 0207-361-2733  
Facsimile: 0207-361-3463  
Email: [plnr@rbkc.gov.uk](mailto:plnr@rbkc.gov.uk)  
Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

22 September 2003

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THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

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My reference: DPS/DCC/CA/03 Your reference:  
/1753 &  
E/03/2025

Please ask for: John Morrow

## Without Prejudice

Dear Mr Mehmet

**Town and Country Planning Act 1990 (As Amended)**  
**Town and Country Planning (Control of Advertisement) Regulations 1992**  
**Shop Signage to Front Street Elevation at Ground and First Floor Levels**  
**Re: Kassabis Hairdressers, 84 Kensington High Street, W8**

I refer to your application to display the above advertisements received by this Council on 13 August 2003 under reference CA/03/1753.

Given the context of this High Street location and similar signage nearby, I consider the signs at ground floor level to be acceptable.

However, the illuminated sign at first floor level is unacceptable and should be removed as it has a detrimental effect on the appearance of the street scene and the surrounding conservation area in which it is located.

In the circumstances, you should forward plans indicating removal of the illuminated sign at first floor level and when the sign is to be removed. Should I not receive the required amended plans, I shall have no option but to refuse your application to retain the signs and recommend prosecution under S.224 of the above Act for the unlawful display of the illuminated advertisement at first floor level.

I look forward to receiving your amended plans in the near future.

Yours sincerely

**Paul Kelsey**  
Area Team Leader  
For the Executive Director, Planning and Conservation



INVESTOR IN PEOPLE



THE ROYAL  
BOROUGH OF

# NOTICE OF A PLANNING APPLICATION

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



KENSINGTON  
AND CHELSEA

## MEMORANDUM

TO: FOR FILE USE ONLY

From: EXECUTIVE DIRECTOR  
PLANNING & CONSERVATION

My Ref: CA/03/01753/JM  
Room No:

CODE SL

Date: 26 August 2003

**DEVELOPMENT AT:**

84 Kensington High Street, London, W8 4SG

**DEVELOPMENT:**

Shop signage to front street elevation at ground and first floor levels.

The above development is to be advertised under:-

**NO REQUIREMENT FOR SITE NOTICE/ADVERTISEMENT IN THIS CASE.**

**M.J. French**

Executive Director, Planning & Conservation

**SITE NOTICE CRITERIA NOT MATCHED CHECK CORRECT CODE IS  
ENTERED**

---

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

**Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS**

---

**FILE COPY**

1 Direct Line: 020-7361-2733

Extension: 2733

Facsimile: 020-7361-3463

Switchboard: 020-7937-5464

Date: 12/11/2003

Please ask for: Mr. J. Morrow

My Ref: DPS/DCC/CA/03/01753

ODPM's Reference: App/K5600/ H/03/1129541

Dear Sir/Madam,

**TOWN & COUNTRY PLANNING (CONTROL OF ADVERTISEMENT) REGS. 1992**

**Notice of an Advertisement Appeal relating to: 84 Kensington High Street, London, W8 4SG**

An Advertisement appeal has been made to the Planning Inspectorate in respect of the above property. The appeal will be heard at an **ADVERTISEMENT HEARING** by an Officer from the Planning Inspectorate, which will take place on **11/12/2003**, at **10.00 am** in **Committee Room G, The Town Hall, Hornton Street, Kensington, W.8.** This appeal is against the Council's decision to refuse control of advertisement consent for:

Retention of internally illuminated shop signage to the street elevation at ground and first floor levels.

As a local resident or interested party, you may attend the Hearing and, at the discretion of the Officer, make representations. You may also make representations, in writing to:

**The Planning Inspectorate, 3/17 Eagle Wing, Temple Quay House, 2 The Square,  
Temple Quay, Bristol BS1 6PN**

Please quote the ODPM's reference given above and send all representations at least **21 days** before the Hearing. Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Officer dealing with the appeal and the Appellant.

The Council's reasons for refusal, the Appellant's grounds of appeal and the Council's written statement may be inspected in the Planning Information Office at the Town Hall (**please telephone ahead in order to ensure that these are available**). Please note that the Inspectorate will only forward a copy of the Officer's decision letter to those who request one. If you have any further queries, 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**



# The Planning Inspectorate

JM

3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0117-3728607  
Switchboard 0117-3728000  
Fax No 0117-3728181  
GTN 1371-8607

<http://www.planning-inspectorate.gov.uk>

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: CA/03/01753/COTH  
Our Ref: APP/K5600/H/03/1129541  
Date: 27 October 2003

Dear Madam

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992  
APPEAL BY MR G E V D E T MEHMET  
SITE AT KASSABIS HAIR & BEAUTY LIMITED 1ST FLOOR, 84 KENSINGTON HIGH ST,  
LONDON, LONDON, W8 4SG**

With reference to this advertisement appeal, this is to let you know that Mr Simon Hand has been appointed by the First Secretary of State to inspect the appeal site, and to hear representations from the Council and the appellant(s). The hearing will take place:-

*in To Be Confirmed*

at 10:00

on 11 December 2003

**Please reserve a room for the hearing.**

Please submit one copy of the statement of the Council's case direct to the appellant(s) and to the Inspectorate, together with the plans and photographs requested, not later than 28 days before the agreed hearing date.

I would remind you about the policy on the award of costs in planning appeals outlined in DOE Circular 8/93.

A similar letter has been sent to the appellant(s).

|        |     |      |     |             |     |          |
|--------|-----|------|-----|-------------|-----|----------|
| EX DIR | HDC | TP   | CAC | AD          | CLU | AO AK    |
| R.B.   |     | K.C. |     | 06 NOV 2003 |     | PLANNING |
| N      | C   | SW   | SE  | APP         | IO  | REC      |
|        |     |      |     | ARB         | FR  | DES FEES |

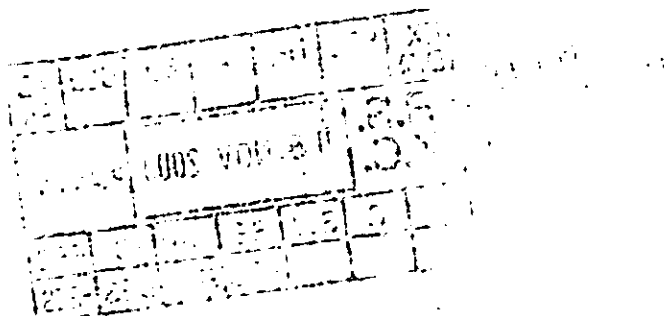
35

Yours faithfully



Mrs Debbie Smith

A16A





# The Planning Inspectorate

JM

3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0117-3728607  
Switchboard 0117-3728000  
Fax No 0117-3728181  
GTN 1371-8607

<http://www.planning-inspectorate.gov.uk>

Ms R Gill  
Planning & Services Department  
Kensington & Chelsea R B C  
3<sup>rd</sup> Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: CA/03/01753/COTH  
Our Ref: APP/K5600/H/03/1129541  
Date: 23 October 2003

Dear Madam

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992**  
**APPEAL BY Mr Gevdet Mehmet**  
**SITE AT Kassabis Hair & Beauty Limited, 1<sup>st</sup> Floor, 84 Kensington High St**

I am writing regarding the above advertisement appeal.

Please can you let me know if December 11 is an acceptable date on which to hold the hearing.

I look forward to hearing from you.

Yours faithfully

  
Mrs Debbie Smith  
Case Officer

|              |            |     |      |     |          |          |
|--------------|------------|-----|------|-----|----------|----------|
| EX<br>DIR    | HDC        | TP  | CAC  | AD  | CLU      | AC<br>AK |
| R.B.<br>K.C. | 6 NOV 2003 |     |      |     | PLANNING |          |
| N            | C          | SW  | SE   | APP | IO       | REC      |
|              |            | ARB | FPLN | DES | FEES     |          |

97

NEW APPEAL

DATE: 14<sup>th</sup> Oct 03

TO: DEREK TAYLOR / PAUL KELSEY  
JOHN THORNE / BRUCE COEY

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA - FILE(S) ATTACHED. THE SITE ADDRESS IS:

84 Ken High St, W8

1. PLEASE INDICATE THE OFFICER WHO WILL BE DEALING WITH THIS APPEAL:

John Morrow

2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE APPEAL TO BE DETERMINED:

- ◆ WRITTEN REPRESENTATIONS
- ✓◆ HEARING
- ◆ PUBLIC INQUIRY

N.B. The appellant has requested Written Reps / a Hearing / an Inquiry. The appellant has the right to be heard. If the appellant wants a Hearing and you choose Written Reps, this may result in an Inquiry. If the appellant requests an Inquiry and you would prefer a Hearing, a letter outlining reasons why will normally be required.

3. YOU ARE REMINDED TO ORDER LAND USE MAPS AS APPROPRIATE AT THIS STAGE

PLEASE RETURN THIS SHEET AND THE ATTACHED FILE(S) TO THE APPEALS SECTION WITHIN 24 HOURS

THANK YOU



*File Copy*

To: Policy, Transportation,  
Conservation & Design

From: Lesley Jones

*Sent to*

Date: 14 October 2003

*Design*

*14/10/03.*

**NEW APPEAL**  
**ADVANCE WARNING**

YOU OR YOUR SECTION MAY BE INVOLVED IN  
THE PREPARATION OF A STATEMENT OR EVIDENCE

**ADDRESS: 84 Kensington High Street, London, W8 4SG**

**OUR REF: CA/03/01753 ODPM REF:App/K5600/H/03**

**DEVELOPMENT:** Retention of internally illuminated shop signage to the street elevation at ground and first floor levels.

**TYPE OF APPEAL: Refusal of Control of Advertisement Consent**

**REASONS FOR REFUSAL:** See attached sheet

**D.C. CASE OFFICER:** Mr. J. Morrow **D.C. AREA:** Central Area Team

It is anticipated at this stage that input will be required from the following sections:-

|         |   |
|---------|---|
| Design  | Transportation                            |
| Policy  | R & I                                     |
| Trees   | Environmental Health - Noise (Ian Hooper) |
| Housing | Housing (Stanley Logan)                   |

Please contact the Case Officer for further details.

Thank you.

Lesley Jones  
Head of Development Control

CA/03/01753

REASON(S) FOR REFUSAL:

The display of the internally illuminated advertisement on the front elevation at first floor level is considered to cause substantial injury to the visual amenity, architecture and appearance of the host building and the surrounding street scene by introducing unnecessary clutter and competing with the elaborate architectural detailing of the first floor windows. As a result, it is considered to cause harm to the character and appearance of the Conservation Area. It is considered contrary to policies within the Unitary Development Plan in particular Policies CD27, CD57, CD61, CD62 and CD76.

## Horan, Alice: PC-Plan

---

**From:** De Wet, Erica: CP-GenServ  
**Sent:** 23 October 2003 17:23  
**To:** Horan, Alice: PC-Plan  
**Subject:** RE: Committee Room Reservation

Yes, thanks, Erica we shall take Room F . thanks alice  
Hi Alice

Confirmation of booking:  
Could not get one of the rooms you mention - booked up.  
I did book room F for the 11/12/2003 09:00 - 17:00  
It takes 12 people

Let me know if it is ok

Thanx  
Erica

-----Original Message-----

**From:** Horan, Alice: PC-Plan  
**Sent:** 23 October 2003 14:34  
**To:** Hall-tet  
**Subject:** Committee Room Reservation



# The Planning Inspectorate

3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
http://www.planning-inspectorate.gov.uk

Direct Line 0117-3728607  
Switchboard 0117-3728000  
Fax No 0117-3728181  
GTN 1371-8607

*TM*

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R.B.C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref:

CA/03/01753/GO<sup>CA21</sup>TH

|                 |             |     |    |          |       |
|-----------------|-------------|-----|----|----------|-------|
| DIR             | TP          | CAC | AD | CLU      | OUR   |
| R.B.            | 21 OCT 2003 |     |    | PLANNING | Date: |
| K.C.            |             |     |    |          |       |
| N               | C           | IS  | SE | APPL     | IO    |
| ARB/PLN/DES/FES |             |     |    |          |       |

Our Ref:

APP/K5600/H/03/1129541

20 October 2003

(31)

Dear Madam

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992  
APPEAL BY MR GEVDET MEHMET  
SITE AT KASSABIS HAIR & BEAUTY LIMITED 1ST FLOOR, 84 KENSINGTON HIGH ST,  
LONDON, W8 4SG**

You should have received a copy of an advertisement appeal [on form DOE 14075B], from Mr Gevdet Mehmet for this site/premises. If you have not, please inform us immediately on the enclosed reply slip.

An officer of the Inspectorate will be appointed by the First Secretary of State to meet both sides. He will hear their representations, visit the site and decide the appeal. We will be in touch about the hearing arrangements shortly. You should send in a statement which outlines your case and, unless you think that the photographs and plans which the appellant(s) may have sent in are good enough to give a clear picture of the site and the surrounding area, you should also send photographs and plans. One copy of your statement, photographs and plans should be sent direct to the appellant(s), and one copy to us, at least 28 days before the date eventually set for the hearing. This is required by the Town and Country Planning (Control of Advertisements) Direction 1992.

Please note the requirements of Paragraph 2(b) and (c) of the Direction 1992 regarding the plans and photographs to be submitted. You should provide

- (i) one set of such photographs of the appeal site and its surroundings; and
- (ii) a plan showing the location of the appeal site and the positions from which the photographs have been taken.

The photographs should be of good quality and, if possible, in colour.

Your attention is particularly drawn to the advice given in DOE Circular 8/93 about Costs.

The Planning Inspectorate  
3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Reference No.  
APP/K5600/H/03/1129541  
CA/03/01753/COTH

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992**  
Appeal by Mr G E V D E T Mehmet  
Site at Kassabis Hair & Beauty Limited 1st Floor, 84 Kensington High St, London, London  
W8 4SG

We have not received an advertisement appeal in respect of this site.

Yours faithfully



# The Planning Inspectorate

## **When preparing your statement you should address the following issues;**

Is the appeal site within an Area of Special Control of Advertisements? If YES, details should be provided.

Is the appeal site within an approved Conservation Area? If YES, a plan of the Conservation Area should be provided.

Are there any related appeals currently before the Secretary of State e.g. under s78 or s174 of the Town and Country Planning Act, or s23 of the Listed Building Act 1990? If YES, details should be provided.

Would the proposed advertisement affect the setting of a listed building? If YES, details should be provided.

Would the proposed advertisement affect an Ancient Monument, whether scheduled or not and was English Heritage consulted? If YES, details should be provided.

Is the appeal site adjacent to or likely to affect an SSSI? If YES, details of the comments of English Nature should be provided.

## **In the case of a Discontinuance Notice**

Under Regulation 8(1) of the Regulations, discontinuance action can only be taken against the display of an advertisement, or the use of a site for the display of an advertisement, if such advertisement/use enjoys the benefit of deemed consent under Regulation 6. **Such action cannot be taken against any advertisement/site, the display/use of which is unauthorised i.e. unlawful, or which benefits from an existing express consent to display. And no action can be taken on an appeal made in these circumstances.**

Consequently, please confirm by (allow 7 days) how the use of the site or the display of the advertisement(s), the subject of this appeal, enjoys the benefit of deemed consent under the Regulations.

Please also let us have by (allow 7 days) a list of the other parties who were served a copy of the notice. This is to enable us to ensure that any appeals involving this discontinuance notice and site are dealt with at the same time.

**THE PLANNING INSPECTORATE**

TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992

Sheet 1  
Rev Mar 2001

ADVERTISEMENT APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT,  
TRANSPORT AND THE REGIONS

THE PLANNING INSPECTORATE, PINSAA SAC (A), 3/17 EAGLE WING, TEMPLE QUAY, 2 THE SQUARE,  
TEMPLE QUAY, BRISTOL BS1 6PN

- PLEASE READ THE ATTACHED NOTES FOR GUIDANCE BEFORE COMPLETING YOUR APPEAL
- PUT X IN THE APPROPRIATE BOX THROUGHOUT.

**A - Appellant's details (please use capital letters)**

Name and address of any agent or professional representative to whom letters should be sent

1. Full name MR. GENDUT MEHMET  
 Address FLAT 1, 62 LAWTON HILL  
FOREST HILL, LONDON  
 Post code SE23 1PY  
 Telephone No 02031 6906234 Your ref: \_\_\_\_\_  
 Telephone No \_\_\_\_\_ Your ref: \_\_\_\_\_

**B - Appeal and grounds**

2. I appeal against:-

- KENSINGTON & CHAMBERS Council's decision on (date) 30/9/03 (ref) CA/03/01753/COA  
to refuse consent for the display of advertisement(s);
- condition(s) imposed by the Council on the grant of consent to display advertisement(s);
- the Council's failure to give notice within the specified period of their decision on an application, or that it has been referred to the Secretary of State for the Environment
- the Council's service of a discontinuance notice on (date) 1970's (ref) unknown

**To accompany copy of the appeal sent to the Planning Inspectorate**

3. I enclose a copy of:-

- the advertisement application made to the Council;
- all relevant plans and particulars submitted to the Council;
- the notice of the Council's decision;
- any relevant correspondence with the Council;
- the discontinuance notice served by the Council.

|              |     |             |     |      |          |       |
|--------------|-----|-------------|-----|------|----------|-------|
| EX DIR       | HDC | TP          | CAC | AD   | CLU      | AO AK |
| R.B.<br>K.C. |     | 10 OCT 2003 |     |      | PLANNING |       |
| N            | C   | SW          | SE  | APP  | IO       | REC   |
|              |     |             | ARB | FPLN | DES      | FEE   |

4. Description, measurements and colours, including details of illumination if applicable, of the advertisement(s) involved in this appeal.

5a. Address or location of the site to which the appeal relates.

KASSABIS HAIR & BEAUTY LIMITED  
1<sup>ST</sup> FLOOR  
84 KENSINGTON HIGH STREET, LONDON W8 4SG.

- 5b. Has the land/site owners consent been obtained? NO  YES  ASSUMED BY THE PREVIOUS OWNERS
- 5c. Is the site on highway land? NO  YES
- 6. Is the advertisement in position? NO  YES

7. Is there any other current appeal to the Secretary of State involving this site in any way?

NO  YES

If yes, what is it?

Reference No's

- An appeal under Town and Country Planning (Control of Advertisements) Regulations 1992 .....
- A planning appeal under section 78 of the Town and Country Planning Act 1990 .....
- An enforcement appeal under section 174 of the 1990 Act .....
- An appeal involving any listed building on the site .....

8. Please state the precise grounds or reasons for your appeal (use additional paper if necessary)

THE REASONS FOR MY APPEAL IS THAT THE SIGN IN QUESTION WAS REPLACING AN EXISTING OLDER SIGN THAT HAS BEEN IN PLACE FOR MANY, MANY YEARS. WE HAVE CHANGED THE OLD SIGN FOR NOW BECAUSE THE OLD SIGN NO LONGER REPRESENTED THE CORRECT INFORMATION, THAT IS, THE TELEPHONE NUMBERS AND OWNERSHIP OF THE 2ND FLOOR BEAUTY SALON. THE OLD SIGN WAS I BELIEVE IN PLACE SINCE THE 60'S AND THAT THE COUNCIL HAS STATED THAT THERE IS AN ON-GOING DISPUTE DATING BACK TO 1974. THIS DISPUTE WAS NOT HIGHLIGHTED WHEN WE TOOK THE BUSINESS OVER OR WAS RECORDED ON OUR AUTHORITY SEARCH.

#### C - Late appeals

9. If your appeal is late (see Notes for Guidance), please give reasons for the delay. (use additional paper if necessary)

#### D - Procedures for deciding your appeal

10. Which procedure do you wish to be used in deciding your appeal?

- consideration of written statements, photographs and an unaccompanied site inspection by an officer of the Inspectorate
- a hearing at which I or my representatives and a representative of the Council will make oral representations to an officer of the Inspectorate

If the last box is indicated, it would be helpful if you could state fully your reasons why the written representations method would be inadequate in this case. (use additional paper if necessary).

I HAVE TRIED TO APPEAL DIRECT TO THE COUNCIL AND HAVE NOT BEEN ABLE TO MAKE MY POINTS. THIS IS BECAUSE THEY DO NOT WISH TO BE CO-OPERATIVE AND CHOOSE TO BE UNREASONABLE OF THIS MATTER.

I certify I have sent a copy of this appeal to the Council against whose decision I am appealing.

Date 8th Oct 2003 Signature [Signature]  
(on behalf of) [Signature]



---

# PLANNING AND CONSERVATION

TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Mr Gevdet Mehmet  
Kassabis Hair & Beauty Ltd.  
1<sup>st</sup> Floor  
84 Kensington High Street  
London W8 4SG

Switchboard: 0207-937-5464  
Direct Line: 0207-361-2075  
Facsimile: 0207-361-3463  
Email: [plnlr@rbkc.gov.uk](mailto:plnlr@rbkc.gov.uk)  
Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

09 October 2003

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

My reference: GE/dyb

Your reference:

Please ask for: Mike French

Dear Mr Mehmet

### Formal Complaint

**Kassabis Hair & Beauty Ltd., 1<sup>st</sup> Floor, 84 Kensington High Street, W8**

I refer to your complaint dated 29 September 2003 in connection with the unauthorised installation of internally illuminated shop signage at ground and first floor levels at the above address. I have now had the opportunity to investigate your complaint and would comment as follows.

The Council received a complaint from a member of the public with regard to signage at 80, 82 and 84 Kensington High Street on 29 January 2003. The enforcement cases at 80 and 82 Kensington High Street were closed on 17 June 2003 as consent to display signage at those addresses had already been granted or benefited from deemed consent under the Advertisement Regulations. Although consent to display advertisements in connection with the illuminated fascia and box signs in connection with the ground floor use at 84 Kensington High Street was granted in 1999, no record of a current consent could be ascertained from the Council's planning records for other illuminated signage at this address.

I can find no evidence of you being told in letters you refer to dated 14 and 21 July 2003 from the Council or discussions with my Senior Planning Enforcement Officer, John Morrow, that you would be granted permission. I also have no record of any dispute about signage at this location dating back to 1974. On the contrary, you were advised of the relevant policies in the Unitary Development Plan, that it was your right to make an application to display the advertisements and any application would be treated on its merits, without prejudice and maybe refused and the letters specifically mentioned that consent is unlikely to be granted

Your subsequent application was determined on its merits and without prejudice and following observations from the Council's Conservation and Design section. As you are now aware, your application was refused on 30 September 2003 as the display of the internally illuminated advertisement on the front elevation at first floor level was considered to cause substantial injury to the visual amenity, architecture and appearance of the host building and the surrounding street scene by introducing unnecessary clutter and completing with the elaborate architectural detailing of the first floor windows. Although the ground floor signs were also not considered to be welcome, in the context of this part of Kensington High Street, it was only considered expedient to pursue action against the sign at first floor level.



INVESTOR IN PEOPLE

You also state that you have tried to speak with Mr Morrow further about this but he would not listen to reason, but I understand that Mr Morrow has had a number telephone conversations with you when he has clearly explained the Council's position.

In addition, following submission of your photographic evidence of other signage in the area, enforcement cases have been opened to investigate illuminated signage above fascia level in the vicinity of your premises in Kensington High Street. As with your sign, each case will be dealt with on its merits and without prejudice.

As to the final query you raise, I am not in a position to comment as to why it has taken someone all this time to complain about your sign. That is clearly a matter for themselves. The details of any complainant with regard to an enforcement case are considered exempt in accordance with the Local Government (Access to Information) Act 1985 which means that their identity is confidential.

I appreciate that the installation of the signs was expensive, but if you had checked the planning position before installing the sign this expense would have been avoided. I am afraid that was your responsibility, not the Council's. Whilst this is a busy shopping area, the Council's consistent policy is to resist illuminated signs above fascia level, and to allow your sign could result in other upper floor businesses also expecting to display signs above fascia level. I note you do already have an alternative illuminated sign at fascia level.

In view of your particular problems, I am prepared to defer any decision to instruct the Director of Law and Administration to commence prosecution proceedings for two months from the date of this letter to allow you the necessary time to arrange for the removal or relocation of the unauthorised internally illuminated sign at first floor level at the above property.

You are also advised that internal advertisements are considered to benefit from deemed consent under the Advertisement Regulations. You do not, therefore, require express consent from the Council to display any internal advertisement(s) provided there is no external illumination. You may wish to consider forwarding details of any alternative location/arrangement you maybe considering for the above sign before its implementation to avoid any future problems.

In conclusion, I consider this matter has been dealt with in the proper manner at all times. The Council is obliged to investigate complaints regarding alleged breaches of planning control. Your signage is unauthorised and I consider the subsequent retrospective application for consent to display the advertisement to have been determined in the proper manner. As stated above, should you be aggrieved by the Council's decision, you have the right of appeal to the Planning Inspectorate.

Yours sincerely

  
**M.J. FRENCH**  
Executive Director, Planning and Conservation

Cc Derek Myers, Town Clerk & Chief Executive

**TO: SEE DISTRIBUTION LIST**

**FROM: EXECUTIVE DIRECTOR OF  
PLANNING & CONSERVATION**

MY REF(S): RAG/CA/03/01753  
ODPM's Reference: App/K5600/ H/03/1129541  
ROOM NO: 324

YOUR REF:  
SEE DISTRIBUTION LIST  
EXTN: 2081

**DATE: 29/12/2003**

**TOWN AND COUNTRY PLANNING ACT, 1990**

**APPEAL ..... 84 Kensington High Street, London, W8 4SG**

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:**

COUNCILLOR TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR IAN DONALDSON  
COUNCILLOR RIMA HORTON  
COUNCILLOR BARRY PHELPS  
COUNCILLOR DANIEL MOYLAN, CABINET MEMBER FOR PLANNING &  
TRANSPORTATION  
TOWN CLERK & CHIEF EXECUTIVE ..... A.KHAN RM: 253  
DIRECTOR OF LAW AND ADMINISTRATION...H. TITCOMBE RM: 315  
LAW & ADMINISTRATION (ENFORCEMENT).. H. TITCOMBE RM: 315  
LAND CHARGES..... M. IRELAND RM: 306  
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. STAPLETON



# Appeal Decision

Hearing held on 11 December 2003

by **Simon Hand MA**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

**19 DEC 2003**

**Appeal Ref: APP/K5600/H/03/1129541**

**Kassabis Hair and Beauty Ltd, 1st Floor, 84 Kensington High Street, London, W8 4SG**

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Mr Gevdet Mehmet against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref CA/03/01753/COth is dated 11 August 2003.
- The advertisements proposed are internally illuminated shop signage to street elevation at ground and first floor levels.

**Summary of Decision: The appeal is allowed in part. Consent is granted for the shop signs at ground floor level on the terms set out below in the Formal Decision.**

## Procedural Matters

1. The signs this appeal relates to are an internally illuminated sign at first floor level, an internally illuminated projecting box sign and an internally illuminated sign above the door. Although it is clear the Council are only concerned about the sign at first floor level, all the signs are before me on appeal.

## Main Issues

2. Whether the signs respect the character and appearance of the Kensington Conservation Area.

## Planning Policy

3. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive. In reaching my decision I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Kensington Conservation Area.

## Reasons

4. Kassabis Hair and Beauty Ltd is on the first floor of a large building on the north side of Kensington High Street. Although the site lies on the edge of a Conservation Area, it is opposite another and so is essentially in the heart of an area protected by Conservation Area status. The north side of the High Street on this side of the road is made up of a mix of buildings and styles, but all are tall, mostly four stories, with regularly spaced windows. The first floor sign lies between two windows above an America Express store. The ground

floors of nearly all the buildings are taken up by shops and restaurants, and many of the upper floors are occupied by businesses including one on each of the floors above Kassabis.

5. The appellant was particularly concerned about a number of issues. Firstly that the first floor sign replaced an existing one, and represented a significant improvement in design terms. Secondly that the sign was particularly necessary, as the business relied on passing trade, and the ground floor signs were inadequate. One was recessed over the doorway to the upper floors and so not particularly noticeable, while the projecting sign was often obscured by the neighbouring awning. Thirdly, that the Council had failed to treat him fairly, as there were numerous other first floor and higher signs that were allowed to remain.
6. I agree with the appellant that the appeal sign is an improvement over the previous one. However, I have to deal with the sign that is the subject of the appeal. During the site visit a number of other signs were pointed out to me, but it was clear that the appeal sign was the only sign in between the first floor windows on any of the blocks of buildings in the immediate vicinity. As such it stood out in a most prominent fashion. Although the upper floors of the buildings on this side of the High Street varied, they all had evenly spaced windows with attractive frames and architectural detailing. The appeal sign disrupted the rhythm created by the spacing of the windows, completely filling in the brickwork between the two adjacent windows. As such, it drew attention itself and looked completely out of place, harming the character and appearance of the building and of the Conservation Area.
7. I have every sympathy with the appellant's need to advertise the location of the business, but there are many other businesses operating from premises above the ground floor, none of which rely on external advertising. Many carried advertising within the windows, which the Council confirmed they could not control. I appreciate that the appellant relies on passing trade and so a highly noticeable sign is required, but this is an insufficient reason to outweigh the harm I have identified.
8. There was considerable discussion as to the merits or otherwise of other advertisements in the area. The Council confirmed that they were investigating those brought to their attention by Mr Mehmet. Some, such as Club Kensington, had been granted consent before the Conservation Area policies had been drawn up by the Council. If they were to apply for new signs now, as the appellant had done, the Council confirmed they would be treated in the same way as him. In any event, none of the signs brought to my attention were similar to the appeal sign, and even if some had been allowed more recently, this does not detract from the harm the appeal sign causes.
9. The other two signs at fascia level are not opposed by the Council. The ground floors are almost all occupied by shops, restaurants and other commercial uses. I consider that both signs fit in with this strongly commercial feel. However, this is largely restricted to the ground floors and their associated fascia. Notwithstanding the examples I was shown to the contrary, the Council does seem to have generally resisted commercialisation above the fascia levels, which is one reason why the first floor appeal sign stands out quite so much.

#### Conditions

10. The appellant suggested a condition restricting the illumination of the first floor sign. I agree that when illuminated the sign does stand out even more, especially in the gathering dusk. However, even if not illuminated at all, it would still stand out prominently during daylight hours. The appellant also offered to remove the sign in 2005. However, I agree

with the Council that the harm being caused is immediate, and I cannot see that deferring the removal for a year or so will be helpful.

### **Other Matters**

11. A number of other matters were raised at the Hearing, including whether the Council should make a greater effort to notify businesses of the need to obtain advertising consent, other ways the Council could control the height of signs, and whether the Council were vigilant enough in noticing breaches of advertisement consent. However, none of these were directly relevant to the issue at the heart of this appeal, and I have given them little weight in reaching my decision.

### **Conclusions**

12. For the reasons given above and having regard to all other matters raised, I conclude that the display of the first floor sign would be detrimental to the interests of amenity but that the display of the two signs at ground floor level would not be detrimental to the interests of amenity.

### **Formal Decision**

13. In exercise of the powers transferred to me, I dismiss that part of the appeal that relates to internally illuminated shop signage to street elevation at first floor level. But I allow the appeal in respect of internally illuminated shop signage to street elevation at ground floor level as applied for and grant consent for their display. The consent is for five years from the date of this decision and is subject to the following standard conditions set out in the Regulations:
- 1) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
  - 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
  - 3) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
  - 4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - 5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).
14. This decision does not convey any approval or consent other than under Regulation 5 of the Regulations.

**Information**

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.

A handwritten signature in black ink, appearing to be 'Simon Hand', written in a cursive style.

Simon Hand  
Advertisement Appeal Inspector





**TO: SEE DISTRIBUTION LIST**

**FROM: EXECUTIVE DIRECTOR OF  
PLANNING & CONSERVATION**

MY REF(S): RAG/CA/03/01753  
ODPM's Reference: App/K5600/ H/03/1129541  
ROOM NO: 324

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SEE DISTRIBUTION LIST  
EXTN: 2081

**DATE: 08/01/2004**

**TOWN AND COUNTRY PLANNING ACT, 1990**

**APPEAL ..... 84 Kensington High Street, London, W8 4SG**

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:**

COUNCILLOR TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR IAN DONALDSON  
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COUNCILLOR DANIEL MOYLAN, CABINET MEMBER FOR PLANNING &  
TRANSPORTATION  
TOWN CLERK & CHIEF EXECUTIVE ..... A.KHAN RM: 253  
DIRECTOR OF LAW AND ADMINISTRATION...H. TITCOMBE RM: 315  
LAW & ADMINISTRATION (ENFORCEMENT).. H. TITCOMBE RM: 315  
LAND CHARGES..... M. IRELAND RM: 306  
COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29  
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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. STAPLETON



# The Planning Inspectorate

3/17 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728607  
Switchboard 0117-3728000  
Fax No 0117-3728181  
GTN 1371-8607

---

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: CA/03/01753/COTH  
Our Ref: APP/K5600/H/03/1129541  
Date: 19 December 2003

Dear Madam

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS) REGULATIONS 1992  
APPEAL BY MR G E V D E T MEHMET  
SITE AT KASSABIS HAIR & BEAUTY LIMITED 1ST FLOOR, 84 KENSINGTON HIGH ST,  
LONDON, LONDON, W8 4SG**

I enclose a copy of our Officer's decision on the above appeal.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: [Complaints@pins.gsi.gov.uk](mailto:Complaints@pins.gsi.gov.uk)

Yours faithfully

Mrs Debbie Smith

A17A

|      |             |    |     |    |          |    |
|------|-------------|----|-----|----|----------|----|
| EX   | HDC         | TP | CAC | AD | CLU      | NO |
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| R.B. | 24 DEC 2003 |    |     |    | PLANNING |    |
| K.C. |             |    |     |    |          |    |
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(28)



# Appeal Decision

Hearing held on 11 December 2003

by **Simon Hand MA**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
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Date

19 DEC 2003

Appeal Ref: APP/K5600/H/03/1129541

Kassabis Hair and Beauty Ltd, 1st Floor, 84 Kensington High Street, London, W8 4SG

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Mr Gevdet Mehmet against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref CA/03/01753/COTH is dated 11 August 2003.
- The advertisements proposed are internally illuminated shop signage to street elevation at ground and first floor levels.

**Summary of Decision: The appeal is allowed in part. Consent is granted for the shop signs at ground floor level on the terms set out below in the Formal Decision.**

## Procedural Matters

1. The signs this appeal relates to are an internally illuminated sign at first floor level, an internally illuminated projecting box sign and an internally illuminated sign above the door. Although it is clear the Council are only concerned about the sign at first floor level, all the signs are before me on appeal.

## Main Issues

2. Whether the signs respect the character and appearance of the Kensington Conservation Area.

## Planning Policy

3. The Council have drawn my attention to the policies they consider to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive. In reaching my decision I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Kensington Conservation Area.

## Reasons

4. Kassabis Hair and Beauty Ltd is on the first floor of a large building on the north side of Kensington High Street. Although the site lies on the edge of a Conservation Area, it is opposite another and so is essentially in the heart of an area protected by Conservation Area status. The north side of the High Street on this side of the road is made up of a mix of buildings and styles, but all are tall, mostly four stories, with regularly spaced windows. The first floor sign lies between two windows above an America Express store. The ground

floors of nearly all the buildings are taken up by shops and restaurants, and many of the upper floors are occupied by businesses including one on each of the floors above Kassabis.

5. The appellant was particularly concerned about a number of issues. Firstly that the first floor sign replaced an existing one, and represented a significant improvement in design terms. Secondly that the sign was particularly necessary, as the business relied on passing trade, and the ground floor signs were inadequate. One was recessed over the doorway to the upper floors and so not particularly noticeable, while the projecting sign was often obscured by the neighbouring awning. Thirdly, that the Council had failed to treat him fairly, as there were numerous other first floor and higher signs that were allowed to remain.
6. I agree with the appellant that the appeal sign is an improvement over the previous one. However, I have to deal with the sign that is the subject of the appeal. During the site visit a number of other signs were pointed out to me, but it was clear that the appeal sign was the only sign in between the first floor windows on any of the blocks of buildings in the immediate vicinity. As such it stood out in a most prominent fashion. Although the upper floors of the buildings on this side of the High Street varied, they all had evenly spaced windows with attractive frames and architectural detailing. The appeal sign disrupted the rhythm created by the spacing of the windows, completely filling in the brickwork between the two adjacent windows. As such, it drew attention itself and looked completely out of place, harming the character and appearance of the building and of the Conservation Area.
7. I have every sympathy with the appellant's need to advertise the location of the business, but there are many other businesses operating from premises above the ground floor, none of which rely on external advertising. Many carried advertising within the windows, which the Council confirmed they could not control. I appreciate that the appellant relies on passing trade and so a highly noticeable sign is required, but this is an insufficient reason to outweigh the harm I have identified.
8. There was considerable discussion as to the merits or otherwise of other advertisements in the area. The Council confirmed that they were investigating those brought to their attention by Mr Mehmet. Some, such as Club Kensington, had been granted consent before the Conservation Area policies had been drawn up by the Council. If they were to apply for new signs now, as the appellant had done, the Council confirmed they would be treated in the same way as him. In any event, none of the signs brought to my attention were similar to the appeal sign, and even if some had been allowed more recently, this does not detract from the harm the appeal sign causes.
9. The other two signs at fascia level are not opposed by the Council. The ground floors are almost all occupied by shops, restaurants and other commercial uses. I consider that both signs fit in with this strongly commercial feel. However, this is largely restricted to the ground floors and their associated fascia. Notwithstanding the examples I was shown to the contrary, the Council does seem to have generally resisted commercialisation above the fascia levels, which is one reason why the first floor appeal sign stands out quite so much.

#### Conditions

10. The appellant suggested a condition restricting the illumination of the first floor sign. I agree that when illuminated the sign does stand out even more, especially in the gathering dusk. However, even if not illuminated at all, it would still stand out prominently during daylight hours. The appellant also offered to remove the sign in 2005. However, I agree

with the Council that the harm being caused is immediate, and I cannot see that deferring the removal for a year or so will be helpful.

#### Other Matters

11. A number of other matters were raised at the Hearing, including whether the Council should make a greater effort to notify businesses of the need to obtain advertising consent, other ways the Council could control the height of signs, and whether the Council were vigilant enough in noticing breaches of advertisement consent. However, none of these were directly relevant to the issue at the heart of this appeal, and I have given them little weight in reaching my decision.

#### Conclusions

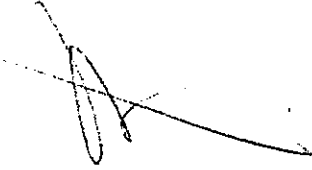
12. For the reasons given above and having regard to all other matters raised, I conclude that the display of the first floor sign would be detrimental to the interests of amenity but that the display of the two signs at ground floor level would not be detrimental to the interests of amenity.

#### Formal Decision

13. In exercise of the powers transferred to me, I dismiss that part of the appeal that relates to internally illuminated shop signage to street elevation at first floor level. But I allow the appeal in respect of internally illuminated shop signage to street elevation at ground floor level as applied for and grant consent for their display. The consent is for five years from the date of this decision and is subject to the following standard conditions set out in the Regulations:
  - 1) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
  - 2) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
  - 3) Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
  - 4) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
  - 5) No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).
14. This decision does not convey any approval or consent other than under Regulation 5 of the Regulations.

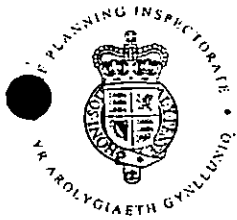
**Information**

15. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Simon Hand  
Advertisement Appeal Inspector





# The Planning Inspectorate

An Executive Agency in the Office of the Deputy Prime Minister and the National Assembly for Wales

## Challenging the Decision in the High Court

### *Challenging the decision*

Appeal decisions are legal documents and we cannot amend or change them once they have been issued. Decisions are therefore final unless successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

### *Grounds for challenging the decision*

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful, you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal, it will return the case to us for re-consideration.

### *Different appeal types*

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

### *Challenges to planning appeal decisions*

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.**

### *Challenges to enforcement appeal decisions*

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65, you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

**Important Note** - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).



## Frequently asked questions

"Who can make a challenge?" - In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land - other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this - see Further Information).

"How much is it likely to cost me?" - A relatively small administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees - see Further information). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

"How long will it take?" - This can vary considerably. Although many challenges are decided within six months, some can take longer.

"Do I need to get legal advice?" - You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

"Will a successful challenge reverse the decision?" - Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again, but for different or expanded reasons.

"What can I do if my challenge fails?" - The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

## Inspection of appeal documents

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices, by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey, it may be more convenient to arrange to view your local planning authority's copy of the file, which should be similar to our own.

## Further information

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: [www.courtservice.gov.uk/using\\_courts/guides\\_notices/notices/divis/](http://www.courtservice.gov.uk/using_courts/guides_notices/notices/divis/)

## Council on tribunals

If you have any comments on appeal procedures, you can contact the Council on Tribunals, 81 Chancery Lane, London WC2A 1BQ. Telephone 020 7855 5200; website: <http://www.council-on-tribunals.gov.uk/>. However, it cannot become involved with the merits of individual appeals or change an appeal decision.

## Contacting us

High Court Section  
The Planning Inspectorate  
4/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Phone: 0117 372 8962

## Website

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

## General Enquiries

Phone: 0117 372 6372

E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

## Complaints

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E-mail: [complaints@pins.gsi.gov.uk](mailto:complaints@pins.gsi.gov.uk)

## Cardiff Office

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Cardiff CF1 3NQ  
Phone: 0292 082 3866  
E-mail: [Wales@pins.gsi.gov.uk](mailto:Wales@pins.gsi.gov.uk)

## The Parliamentary Ombudsman

Office of the Parliamentary  
Commissioner for Administration  
Millbank Tower, Millbank  
London SW1P 4QP

Helpline: 0845 0154033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

E-mail: [opca-enqu@ombudsman.org.uk](mailto:opca-enqu@ombudsman.org.uk)





# The Planning Inspectorate

An Executive Agency in the Office of the Deputy Prime Minister and the National Assembly for Wales

## Our Complaints Procedures

### Complaints

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal. This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens, we will try to explain things as clearly as possible. Sometimes the appellant, the council or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-open an appeal to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why, and suggest who may be able to

deal with the complaint instead.

### How we investigate complaints

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Quality Assurance Unit to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly held.

We therefore do our best to ensure that all complaints are investigated quickly, thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms.

When investigating a complaint, we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply, we will quickly let you know.

### What we will do if we have made a mistake

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future.

However, the law does not allow us to amend or change the decision.

### Who checks our work?

The Government have said that 99% of our decisions should be free from error and has set up an independent body called the Advisory Panel on Standards (APOS) to report to them on our performance. APOS regularly examines the way we deal with complaints and we must satisfy them that our complaints procedures are fair, thorough and prompt.



## Taking it further

If you are not satisfied with the way we have dealt with your complaint, you can contact the Parliamentary Commissioner for Administration (often referred to as The Ombudsman), who can investigate complaints of maladministration against Government Departments or their Executive Agencies. If you decide to go to the Ombudsman, you must do so through an MP. Again, the Ombudsman cannot change the decision.

## Frequently asked questions

*"Why can't the decision be reviewed if a mistake has happened?"* - The law does not allow us to do this because an appeal decision is a legal document that can only be reviewed following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

*"If you cannot change a decision, what is the point of complaining?"* - We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

*"Why did an appeal succeed when local residents were all against it?"* - Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds whether these views justify refusing planning permission.

*"How can Inspectors know about local feeling or issues if they don't live in the area?"* - Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

*"I wrote to you with my views, why didn't the Inspector mention this?"* - Inspectors must give reasons for their decision and take into account all views submitted, but it is not necessary to list every bit of evidence.

*"Why did my appeal fail when similar appeals nearby succeeded?"* - Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

*"I've just lost my appeal, is there anything else I can do to get my permission?"* - Perhaps you could change some aspect of your proposal to increase its acceptability. For example, if the Inspector thought your extension would look out of place, could it be re-designed to be more in keeping with its surroundings? If so, you can submit a revised application to the council. Talking to their planning officer about this might help you explore your options.

*"What can I do if someone is ignoring a planning condition?"* - We cannot intervene as it is the council's responsibility to ensure conditions are complied with. They can investigate and have discretionary powers to take action if a condition is being ignored.

## Further information

Every year, we publish a Business and Corporate Plan which sets out our plans for the following years, how much work we expect to deal with, and how we plan to meet the targets which Ministers set for us. At the end of each financial year, we publish our Annual Report and Accounts, which reports on our performance against these targets and how we have spent the funds the Government gives us for our work. You can view these and obtain further information by visiting our website (see 'Contacting us'). You can also get booklets which give details about the appeal process by phoning our enquiries number.

You can find the latest Advisory Panel on Standards report either by visiting our website or on the ODPM website - [www.odpm.gov.uk/](http://www.odpm.gov.uk/)

## Contacting us

Quality Assurance Unit  
The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
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[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

## Enquiries

Phone: 0117 372 6372  
E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

## Complaints

Phone: 0117 372 8252  
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## Cardiff Office

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ  
Phone: 0292 082 3866  
E-mail: [Wales@pins.gsi.gov.uk](mailto:Wales@pins.gsi.gov.uk)

## The Parliamentary Ombudsman

Office of the Parliamentary  
Commissioner for Administration  
Millbank Tower, Millbank  
London SW1P 4QP

Helpline: 0845 0154033  
Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)  
E-mail: [opca-enqu@ombudsman.org.uk](mailto:opca-enqu@ombudsman.org.uk)

## FOR INFORMATION

Please note that, in addition to any specific conditions specified in the body of the letter, the standard conditions set out in the Regulations also apply. These are as follows:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the local planning authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the local planning authority.
4. No advertisements is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military)

# **CONTROL OF ADVERT HEARING**

## **STATEMENT OF CASE**

**SITE: 84 KENSINGTON HIGH STREET, W8**



**RBK&C Ref: DPS/DCC/CA/03/1753/JM**

**ODPM Ref: APP/K5600/H/03/1129541**

**John Morrow**

**11<sup>TH</sup> December 2003**

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

**Town and Country Planning Act 1990 (As Amended)**

**Town and Country Planning (Control of Advertisement) Regulations  
1992**

**APPEAL BY MR GEVDET MEHMET AT:**

**KASSABIS HAIR & BEAUTY LIMITED**

**1<sup>ST</sup> FLOOR, 84 KENSINGTON HIGH STREET, LONDON W8 4SG**

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**ODPM Reference: App/K5600/H/03/1129541**

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**RBK & C Reference: DPS/DCC/CA/03/1753**

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**WRITTEN STATEMENT & DOCUMENTS**

**Statement by the Royal Borough of Kensington and Chelsea, relating to an appeal against the Council's decision to refuse consent to display an advertisement for retention of internally illuminated shop signage to the street elevation at ground and first floor levels.**

## 1 INTRODUCTION

- 1.1 These appeal arises from the Council's refusal of consent to display an advertisement on 30 September 2003 for *retention of internally illuminated shop signage to the street elevation at ground and first floor levels* under reference CA/03/1753.
- 1.2 A copy of the Decision Notice and delegated report are appended to this document as **Appendix 1**. The reason for refusal of the application was *the display of the internally illuminated advertisement on the front elevation at first floor level is considered to cause substantial injury to the visual amenity, architecture and appearance of the host building and the surrounding street scene by introducing unnecessary clutter and competing with the elaborate architectural detailing of the first floor windows. As a result, it is considered to cause harm to the character and appearance of the Conservation Area. It is considered contrary to policies within the Unitary Development Plan in particular Policies CD27, CD57, CD61, CD62 and CD76.*
- 1.3 It is the internally illuminated advertisement on the front elevation at first floor level that is considered unacceptable. The other signage at ground floor level is considered acceptable.

## 2 APPEAL SITE AND SURROUNDING AREA

- 2.1 This appeal relates to advertisements in connection with the first floor as a ladies' and gentlemen's hairdresser located on the northern side of Kensington High Street close to the junction with Kensington Church Street.
- 2.2 The property is located within the Kensington Conservation Area. The conservation area was designated in 1970. Extensions to take in the Kensington High Street frontages were designated in 1982 and 1994.
- 2.3 The High Street Frontage within the conservation area is described in the proposals statement as "of considerable townscape value." A plan of the Kensington Conservation Area and extracts from the Kensington Conservation Area Proposals Statement adopted in January 1995 are appended to this document as **Appendix 2 and 3**.
- 2.4 A series of photographs taken in both daylight and the hours of darkness and a plan indicating the approximate locations where those photographs were taken are appended to the rear of this document at **Appendix 4**.
- 2.5 These clearly show that the predominant character along the High Street is for the signage to be confined to that part of the façade that clearly constitutes a 'shopfront', usually the ground floor and clearly differentiated from the floors above by being substantially glazed and set within a definite architectural surround.

- 2.6 The upper floors of the buildings along Kensington High Street are substantially free of commercial clutter or signage, and consequently retain much of their original appearance, and contribute substantially and positively to the character and appearance of the conservation area.

### 3 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 3 June 1966 for *the installation of a new shopfront*.
- 3.2 Planning permission was granted on 5 June 1995 for the *continued use for purposes within Class A2 (Financial and Professional Services) of the ground floor and basement ....* under reference TP/95/0631.
- 3.3 Advertisement consent was granted on 12 February 1962 for the
- (a) *Panel sign 3'6" x 11" between 1<sup>st</sup> floor windows.*
  - (b) *Panel sign 6'0" x 2'0" in recessed entrance to upper part.*
  - (c) *Double sided box sign 3'0" x 2'6" at fascia level, all with Perspex panels and internal fluorescent illumination.*
- At Kaseabis, 84 Kensington High Street, W8.*
- 3.4 This 1962 consent relates to earlier signage (since altered – see paragraphs 6.3 – 6.5) at this location and was granted for the period 12 February 1962 to 31 January 1967 only (**Appendix 5**). This consent was granted before the Kensington Conservation Area was designated in 1970 and, therefore, before any part of the Kensington High Street frontage was added to the conservation area (paragraph 2.3). The original sign would have benefited from deemed consent under Class 14 of the Advertisement Regulations. The Council can find no record of any advertisement consent being granted for the current sign.
- 3.5 Advertisement consent was granted on 9 June 1999 for the *erection of internally illuminated fascia and projecting box signs* under reference CA/98/0251. This consent is the last of a series of consents relating to the display of advertisements in connection with the lawful ground floor A2 use and not to the illuminated signage that is the subject of this appeal.
- 3.6 Following receipt of a complaint from a member of the public in connection with signage at 80, 82 and 84 Kensington High Street enforcement cases were opened under references E/03/2023, E/03/2024 and E/03/2025 respectively to investigate the alleged breaches of the Advertisement Regulations on 29 January 2003.
- 3.7 The enforcement cases at 80 and 82 Kensington High Street were closed on 17 June 2003 as consent to display signage at those



addresses had already been granted or benefited from deemed consent under the Advertisement Regulations.

- 3.8 This appeal results from the subsequent application for consent to display advertisements in connection with the enforcement investigation under reference E/03/2025.
- 3.9 Copies of correspondence between the Council and the appellant dated 14 July, 21 July, 21 July, 22 September, 25 September and 9 October 2003 are attached at **Appendix 6**. The Council's letter dated 9 October 2003 was the Council's response to an official complaint by the appellant dated 25 September 2003.

#### **4 POLICY FRAMEWORK**

- 4.1 Part 1, Section 4(1) of the Town and Country Planning (Control of Advertisement) Regulations 1992 states that a local planning authority shall exercise their powers under the regulations only in the interest of amenity and public safety taking into account of any material factors.
- 4.2 Planning Policy Guidance Note 19 (March 1992) – Out Door Advertisement Control) contains central government policy guidance in relation to advertisements. Paragraph 11 states "In assessing an advertisement's impact on "amenity" LPAs should have regard to its effect on the appearance of the building or on visual amenity in the immediate neighbourhood where it is to be displayed. They will therefore consider what impact the advertisement including its cumulative effect, will have on its surroundings...."
- 4.3 Unitary Development Plan (UDP) and Policies  
The Council adopted a revised UDP on 25<sup>th</sup> May 2002.
- 4.4 Policies from the UDP considered relevant to this Appeal are:
- **STRAT 10** (Conservation and Development)
  - **CD27** (Standards of Design)
  - **CD57** (Conservation Areas)
  - **CD61** (Development in Conservation Areas)
  - **CD62** (Development in Conservation Areas)
  - **CD76** (Shopfronts and Advertisements)
- 4.5 The above Policies and supporting text are attached to this document at **Appendix 7**.

#### **5 PLANNING CONSIDERATIONS**

- 5.1 An appeal under the Town and Country Planning (Control of Advertisement) Regulations 1992 was lodged on 10 October 2003 against the Council's of consent to, display an advertisement on 30 September 2003 for *retention of internally illuminated shop signage to*

*the street elevation at ground and first floor levels under reference CA/03/1753.*

- 5.2 The appellant has stated the precise reasons for his appeal as follows: *The reasons for my appeal is that the sign in question was replacing an existing older sign that has been in place for many years. We have changed the old sign for now because the old sign no longer represents the correct information, that is, the telephone numbers and ownership of the 2<sup>nd</sup> floor beauty salon. The old sign was I believe in place since the 60's and that the Council has stated that there is an ongoing dispute dating back to 1974. This dispute was not highlighted when we took the business over or was recorded on our authority search.*
- 5.3 The appellant has further added that *I have tried to appeal direct to the Council and have not been able to make my points. This is because they do not wish to be co-operative and choose to be unreasonable of this matter.*
- 5.4 The Council considers the main issue of the appeal to be that by reason of size, siting, materials or illumination the retention of the internally illuminated advertisement on the front elevation at first floor level would harm the appearance of the host building and street scene and will, therefore, harm visual amenity in the area.
- 5.5 There are no issues of public safety relevant to this application.
- 5.6 Policy CD76 of the UDP is:
- To resist advertisements if:
- a) by reason of size, siting, materials or illumination they would harm the appearance of a building or the street scene; or
  - b) they would adversely affect public safety.
- 5.7 Kensington High Street is a traditional urban street, where commercial activity is usually aesthetically confined to the lower levels of the buildings, where it is expressed by the varied array of shopfronts that line the pavements on either side of the road.
- 5.8 These shopfronts follow the traditional form of being substantially glazed for the entire width of the building, and usually having a clearly expressed architectural surround, consisting of pilasters to either side, and a fascia above, usually topped by a cornice or other form of projecting moulding, which provides a strong visual break. Signage is usually predominantly placed at fascia level, but is often lower, as part of the glazing, on awnings, or on projecting signs.

- 5.9 Many of the shopfronts have been altered from their original form and, although generally conforming to the Royal Borough's guidelines of traditional shopfront forms, interpret these with modern detailing and materials that reflect the vitality of the High Street.
- 5.10 The upper floors of the buildings differ markedly in character from the lower level, and generally retain a far more domestic character, with smaller windows and significant quantities of architectural detailing, whether in stone, stucco or terracotta. They also generally survive in a far less altered state than the lower floors, and substantially free of signage.
- 5.11 The Royal Borough has long recognised this clear hierarchy in the elevation treatment of such buildings as a vital and integral part of the character and appearance of its commercial streets, and has sought to prevent the damaging cluttering of facades with signage; both the supplementary planning guidance "Design and Conservation of Shopfronts and Shopping Streets", and the advisory leaflet "Kensington High Street Shopfront Design Guide" state emphatically that signage should be confined to the ground floor. Relevant extracts from the above documents are attached to the rear of this document as **Appendix 8 and 9**.
- 5.12 Few types of buildings traditionally boasted signage above the ground floor, but those that did including public houses, where hanging signs were often placed at first floor, or incorporated into the architecture of the building; and double-height shopfronts, where the first floor clearly reads as an integral part of the shopfront, rather than as a part of the upper levels of the building.
- 5.13 The appeal site conforms to neither of these traditional exceptions; consequently the Royal Borough considers that any first-floor signage would clutter the façade of the building and confuse the traditional hierarchy of the elevational design. The large scale and brash illumination of the existing sign would only serve to draw attention to this clutter, exacerbating these concerns and significantly harming the amenity, the character and the appearance of the surrounding conservation area.
- 5.14 In the context of this part of Kensington High Street, the ground floor signage in relation to this appeal is, therefore, considered acceptable.
- 5.15 For the reasons detailed above, the internally illuminated advertisement on the front elevation at first floor level is not considered to preserve or enhance the character and appearance of the Kensington Conservation Area in which it is located. It is, therefore, considered detrimental to visual amenity and would be contrary to policies within the UDP, particularly Policies **STRAT 10, CD27, CD57 CD61, CD62** and **CD76**.

6 OTHER CONSIDERATIONS AND COMMENTS ON THE APPELLANT'S EVIDENCE IN SUPPORT OF HIS APPEAL

- 6.1 The appellant has stated (paragraphs 5.2 – 5.3) that the sign in question replaces an existing older sign and that the Council has chosen to be unreasonable and not been co-operative in this matter.
- 6.2 The Council accepts that a sign has been in this location for some considerable time (paragraph 3.4). That sign would have benefited from deemed consent under Class 14 of the Advertisement Regulations. The Council can find no record of any advertisement consent being granted for the current sign. In addition, the sign was granted consent before the Kensington Conservation Area was designated in 1970 and, therefore, before any part of the Kensington High Street frontage was added to the conservation area (paragraph 2.3).
- 6.3 The appellant has conceded that the sign in location was replaced and has provided photographic evidence of that earlier sign in support of his application for retention of the current signs (CA/03/1753) (**Appendix 10**).
- 6.4 The photograph supplied by the appellant clearly shows the earlier signage to occupy approximately 50% of the area between the front floor windows. However, the current signage occupies a larger area between the upper sills of the first floor windows (**Appendix 4**).
- 6.5 The Council considers the current sign to be substantially different in size from the earlier sign. The current sign does not, therefore, benefit from any express consent to display advertisements.
- 6.6 Nor, as it is an illuminated sign and higher above ground level than the bottom level of any first floor window on which the advertisement is displayed, does it benefit from deemed consent under the Class 4 of the above Regulations.
- 6.7 The current sign is not considered to constitute a sign that that has been displayed since 1 April 1974 or to being displayed after the expiry of express consent and does not benefit from deemed consent under either Class 13 or 14 of the above Regulations. Discontinuance action was not, therefore, considered appropriate in this case
- 6.8 In the circumstances, the current sign was not considered to simply replace an older sign but to constitute the display of a different sign that required consent to display advertisements from the Council as local planning authority.
- 6.9 The appellant has stated that there is an ongoing dispute dating back to 1974 in respect of this sign. The Council has no record of any dispute in respect of the sign. It is respectfully suggested that the

appellant misunderstood a reference to that date during a telephone conversation with the Senior Planning Enforcement Officer in respect of whether the current sign was authorised or not.

- 610 The applicant supplied photographic evidence in support of his application (CA/03/1753) showing evidence of other signage in the area. Enforcement cases were subsequently opened to investigate signage in the vicinity of the applicant's premises in Kensington High Street. The situation at the time this document was prepared in respect of those cases is detailed below.

Bendict's Restaurant, 106 Kensington High Street E/03/2327  
Retrospective application anticipated for retention of the advertisements.

Morgan De Toit, 88 – 90 Kensington High Street E/03/2328  
The shopfront is in accordance with planning permission granted 27 July 2001 under reference PP/01/0741 while the signage benefits form deemed consent under the above Regulations – case closed 7 November 2003.

Barkers Arcade, 63 – 97 Kensington High Street E/03/2329  
Internal advertisements that benefit form express consent under the above Regulations – case closed 7 November 2003.

Talbot, 70 Kensington High Street E/03/2331  
Advertisement installed on the canopy at the above address. Such a canopy containing a non-illuminated advertisement that is below the bottom level of any first floor window in the wall on which it is displayed is considered to constitute an advertisement on a business premises and benefits from deemed consent under the above Regulations – case closed 7 November 2003.

Habitat, 26 – 40 Kensington High Street E/03/2332  
Investigations continuing

Goat Tavern, 3 Kensington High Street E/03/2333  
Although any form of signage above a defined shopfront is usually considered unwelcome, the one type of building that traditionally incorporates signage above the main fascia level are public houses. The hanging sign on this property is a traditional hand painted sign with a traditional metal bracket that although externally illuminated accords with what would be traditional on a building of this type. The projecting sign is not, therefore, considered to harm the amenity of the street scene and the appearance of the conservation area – case closed 7 November 2003.

Next, Kensington High Street E/03/2334  
Investigations continuing

6.11 The Council as local planning authority is responsible for regulating the display of advertisements in the interests of the amenity and safety of the area.

6.12 Given that responsibility and the contents of the Council's letter to the appellant dated 9 October 2003 in response to the appellant **(Appendix 6)** the Council does not consider it has chosen to act unreasonably or not been co-operative in any way during either its legitimate investigation of the enforcement case or its determination of the subsequent application for consent to display advertisements.

## 7 CONDITIONS

7.1 There are no conditions which are considered to overcome or ameliorate the objections to the unauthorised internally illuminated advertisement on the front elevation at first floor level.

## 8 CONCLUSION

8.1 It is considered that the retention of the internally illuminated advertisement on the front elevation at first floor level would harm the appearance of the host building and street scene, would be detrimental to the character and appearance of the Kensington Conservation Area and, therefore, harms visual amenity in the area. It would be contrary to policies in the UDP, particularly Policies STRAT 10, CD27, CD57, CD61, CD62 and CD76 which seek to protect the character and appearance of the conservation area and street scene and to restrict the display of inappropriate advertisements.

8.2 In the circumstances, the Inspector is invited to dismiss the appeal.

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA**

**Town and Country Planning Act 1990 (As Amended)**

**Town and Country Planning (Control of Advertisement) Regulations  
1992**

**APPEAL BY MR GEVDET MEHMET AT:**

**KASSABIS HAIR & BEAUTY LIMITED**

**1<sup>ST</sup> FLOOR, 84 KENSINGTON HIGH STREET, LONDON W8 4SG**

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**ODPM References: APP/K5600/H/03/1129541**

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**RBK & C References: DPS/DCC/CA/03/1753**

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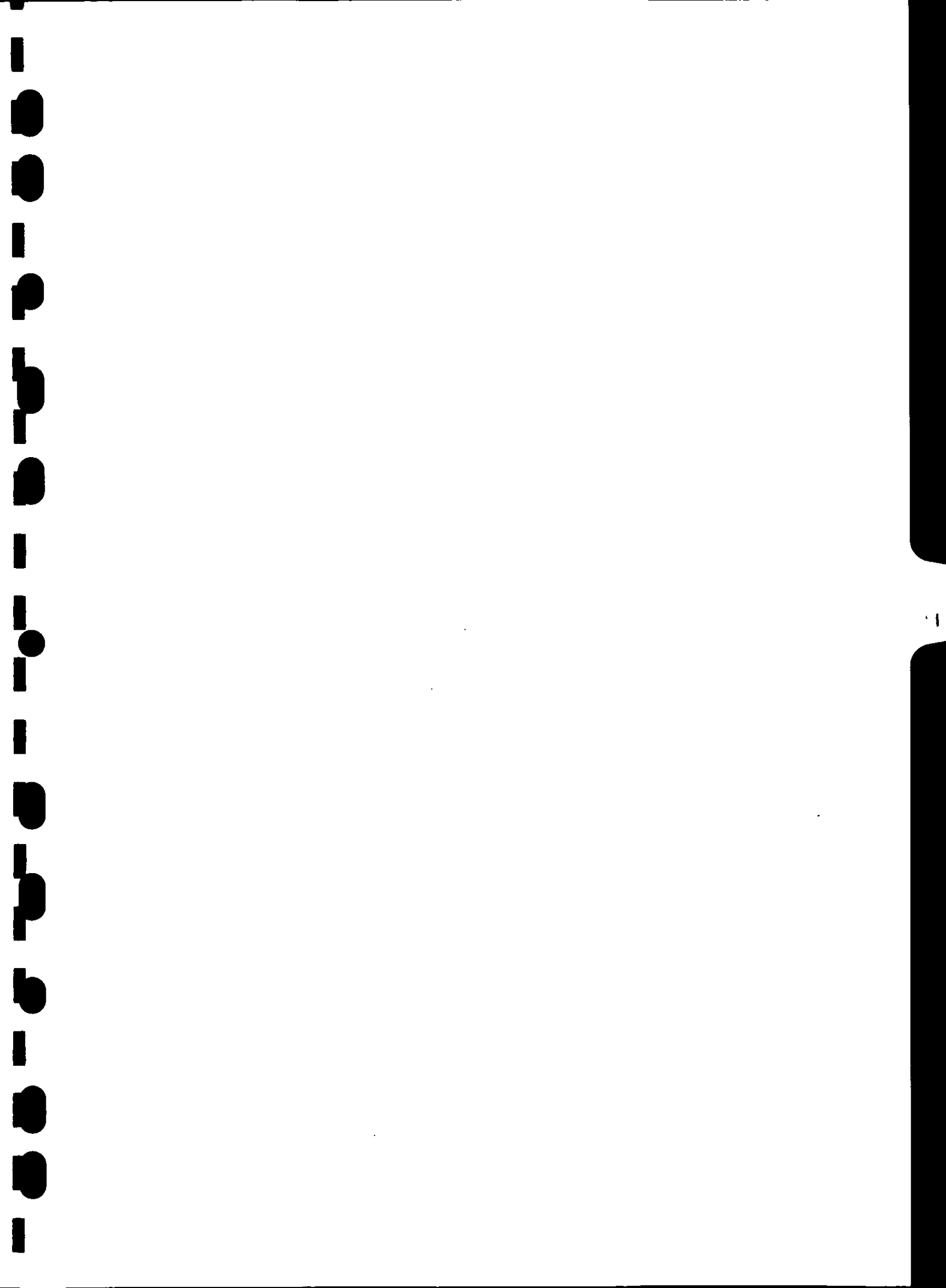
**LIST OF APPENDICES**

- Appendix 1** Decision Notice Reference CA/03/1753 dated 30 September 2003 and delegated report
- Appendix 2** Plan of Kensington Conservation Area
- Appendix 3** Extracts from Kensington Conservation Area Proposals Statement
- Appendix 4** Photographs dated 24 October and 3 November 2003 and location plan
- Appendix 5** Decision Notice dated 12 February 1962
- Appendix 6** Letters dated 14 July, 21 July, 21 July, 22 September, 29 September and 9 October 2003
- Appendix 7** Extract Policies from Royal Borough of Kensington and Chelsea Unitary Development Plan 2002
- Appendix 8** Extract from Design and Conservation of Shopfronts and Shopping Streets
- Appendix 9** Extract form Kensington High Street Shopfront Design Guide
- Appendix 10** Photograph of earlier sign submitted in support of appellant's application (CA/03/1753)

Appendix 11 Letter notifying third parties of Appeal

Appendix 12 List of people notified of Appeal







**PLANNING AND CONSERVATION**

**THE ROYAL  
BOROUGH OF**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**KENSINGTON  
AND CHELSEA**

Gevdet Mehmet,  
Flat 1,  
62 Lowther Hill,  
London  
SE23 1PY

Switchboard: 020-7937-5464  
Direct Line: 020-7361-2733  
Extension: 2733  
Facsimile: 020-7361-3463

**30 SEP 2003**

My Ref: CA/03/01753/COTH  
Your Ref:

Please ask for: Central Area Team

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT, 1990**

**TOWN AND COUNTRY PLANNING (CONTROL OF ADVERTISEMENTS)  
REGULATIONS 1992**

**REFUSAL OF CONSENT TO DISPLAY ADVERTISEMENT(S) (DA2)**

The Borough Council in pursuance of their powers under the above-mentioned Act and Regulations, hereby REFUSE consent to the advertisement (s) referred to in the under-mentioned schedule as shown in the plans submitted. Your attention is drawn to the enclosed Advertisement Information sheet.

**SCHEDULE**

- DEVELOPMENT:** Retention of internally illuminated shop signage to the street elevation at ground and first floor levels.
- SITE ADDRESS:** 84 Kensington High Street, London, W8 4SG
- RBK&C Drawing Nos:** CA/03/01753
- Applicant's Drawing Nos:** 01/03/08, photographs received 13/08/03 and cover letter dated 12/08/03
- Application Dated:** 11/08/2003
- Application Completed:** 20/08/2003

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



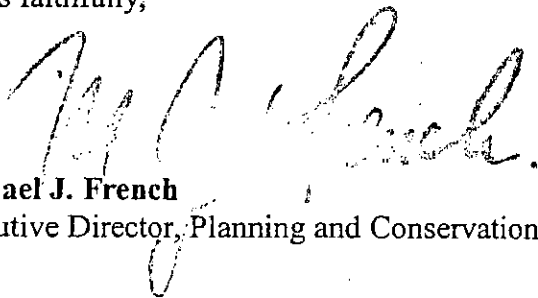
**REASON(S) FOR REFUSAL:**

The display of the internally illuminated advertisement on the front elevation at first floor level is considered to cause substantial injury to the visual amenity, architecture and appearance of the host building and the surrounding street scene by introducing unnecessary clutter and competing with the elaborate architectural detailing of the first floor windows. As a result, it is considered to cause harm to the character and appearance of the Conservation Area. It is considered contrary to policies within the Unitary Development Plan in particular Policies CD27, CD57, CD61, CD62 and CD76.

**INFORMATIVE(S)**

The Director of Law and Administration has been instructed to prosecute under Section 224 of the Town and Country Planning Act 1990 (As Amended) for the unauthorised display of the internally illuminated advertisement on the front elevation at first floor level at the above land.

Yours faithfully,



**Michael J. French**  
Executive Director, Planning and Conservation

Ac

ROYAL BOROUGH OF KENSINGTON & CHELSEA  
REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

**DELEGATED**

APP NO. CA/03/01753/COTH

This application is for a class of development to be determined under powers delegated to me by the Council on 18th July, 2001 and is not a major, controversial or sensitive application nor one which a Ward Councillor has asked to be considered by Planning Services Committee.

Consent under T&CP Control of Advertisement Regulations 1984-90; incl. refusal of consent for Reg. 15 applications.

RECOMMENDED DECISION:

- 1) Refuse Control of Advertisement Consent
- 2) Instruct the Director of Law and Administration to prosecute under Section 224 of the Town and Country Planning Act 1990 (As Amended) for the unauthorised display of the internally illuminated advertisement on the front elevation at first floor level.

I hereby determine and refuse this application under the powers delegated to me by the Council, subject to the condition(s) indicated below imposed for the reason(s) appearing thereunder, or for the reasons stated.

Exec. Director, Planning and Conservation      <sup>Law</sup> Head of Development Control      Area Planning Officer

30/9/03

ADDRESS OF SITE:  
84 Kensington High Street,  
London, W8 4SG

APPLICATION DATED      11/08/2003

APPLICATION COMPLETE      20/08/2003

APPLICANT/AGENT ADDRESS:

Gevdet Mehmet,  
Flat 1,  
62 Lowther Hill,  
London  
SE23 1PY

APPLICATION REVISED

APPLICANT: Gevdet Mehmet,

CONS AREA

Kensington

CAPS Yes

ART '4' No

WARD Campden

LISTED BUILDING NO

ENG. HERITAGE N/A

DELEGATED  
30 SEP 2003

CONSULTED 0

OBJ.

SUP.

PET.

---

**PROPOSAL:** Retention of internally illuminated shop signage to the street elevation at ground and first floor levels.

**RBK&C Drawing No(s):** CA/03/01753

**Applicant's Drawing No(s)** Drawing No. 01/03/08, photographs received 13/08/03 and cover letter dated 12/08/03

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### REASON FOR REFUSAL

The display of the internally illuminated advertisement on the front elevation at first floor level is considered to cause substantial injury to the visual amenity, architecture and appearance of the host building and the surrounding street scene by introducing unnecessary clutter and competing with the elaborate architectural detailing of the first floor windows. As a result, it is considered to cause harm to the character and appearance of the Conservation Area. It is considered contrary to policies within the Unitary Development Plan in particular Policies CD27, CD57, CD61, CD62 and CD76.

### INFORMATIVE

The Director of Law and Administration has been instructed to prosecute under Section 224 of the Town and Country Planning Act 1990 (As Amended) for the unauthorised display of the internally illuminated advertisement on the front elevation at first floor level at the above land.

**1.0 THE SITE**

- 1.1 The application relates to advertisements in connection with the first floor as a ladies and gentlemen's hairdresser located on the northern side of Kensington High Street close to the junction with Kensington Church Street. The property is located within the Kensington Conservation Area.

**2.0 PROPOSAL**

- 2.1 Advertisement Consent is sought for the *retention of internally illuminated shop signage to the street elevation at ground and first floor levels.*

**3.0 RELEVANT PLANNING HISTORY**

- 3.1 Planning permission was granted on 3 June 1966 for *the installation of a new shopfront.*

- 3.2 Planning permission was granted on 5 June 1995 for the *continued use for purposes within Class A2 (Financial and professional Services) of the ground floor and basement without compliance with Condition - of planning permission dated 12/03/1986, reference TP/86/0200 under reference TP/86/1995.*

- 3.3 Advertisement consent was granted on 12 February 1962 for the

*(a) Panel sign 3'6" x 11" between 1<sup>st</sup> floor windows.  
(b) Panel sign 6'0" x 2'0" in recessed entrance to upper part.  
(c) Double sided box sign 3'0" x 2'6" at fascia level, all with Perspex panels and internal fluorescent illumination.  
At Kaseabis, 84 Kensington High Street, W8.*

- 3.4 This 1962 consent relates to the signage that is the subject of this application and was granted for the period 12 February 1962 to 31 January 1967. The Council can find no record of any advertisement consent being granted for any retention of the above advertisements since that date.

- 3.5 Advertisement consent was granted on 9 June 1999 for the *erection of internally illuminated fascia and projecting box signs* under reference CA/98/0251. This consent is the last of a series of consents relating to the display of advertisements in connection with the lawful ground floor A2 use and not to the illuminated signage



that is the subject of this application.

- 3.6 Following receipt of a complaint with regard to signage at 80, 82 and 84 Kensington High Street enforcement cases were opened under references E/03/2023, E/03/2024 and E/03/2025 respectively to investigate the alleged breaches of planning control on 29 January 2003.
- 3.7 The enforcement cases at 80 and 82 Kensington High Street were closed on 17 June 2003 as consent to display signage at those addresses had already been granted or benefited from deemed consent under the Advertisement Regulations.
- 3.8 This application results from the enforcement investigation under reference E/03/2025.

#### **4.0 PLANNING CONSIDERATIONS**

- 4.1 The main issues for consideration relate to the impact that the proposed advertisements will have upon amenity and public safety.
- 4.2 The relevant planning policies are contained within the Conservation and Development chapter of the Unitary Development Plan, in particular Policies
- **CD27**(Standards of Design)
  - **CD57**(Conservation Areas)
  - **CD61**(Development in Conservation Areas)
  - **CD62**(Development in Conservation Areas)
  - **CD76**(Shopfronts and Advertisements)
- 4.3 Although there are a myriad of signs along the busy Kensington High Street shopping area, the great majority are at or below fascia level. There are no other internally illuminated signs above first floor level in the host terrace of four buildings which have a similar fascia level.
- 4.4 The Conservation and Design Officer advises that the ground floor displays are not particularly welcome but in the context of this part of Kensington High Street they are difficult to resist. The first floor sign is, however, unacceptable.
- 4.5 The internally illuminated sign on the front elevation at first floor level is, therefore, considered an unwelcome addition to the host building alien, and out of character with other signage in the host terrace which generally has a pattern of signs at fascia level only. Advertising signs above fascia level are normally resisted because of the potential damage to the street scene. This is an attractive four

storey Victorian brick building with the string courses and heavy and elaborate stucco detailing to the windows. The internally illuminated sign on the front elevation at first floor level, between the windows, is considered to cause substantial harm to the architectural detailing of the building and the terrace of which it forms a part. This sign is considered to add unnecessary clutter.

- 4.6 There are no issues of public safety relevant to this application.
- 4.7 The proposal is not, therefore, considered to comply to policies within the Conservation and Development chapter of the Unitary Development Plan and in particular with Policies CD27, CD57, CD61, CD62 and CD76.

## **5.0 OTHER CONSIDERATIONS**

- 5.1 Internally illuminated signs at this address were granted consent for a period of five years on 1 February 1962. However, there is no record of any consent being granted for their retention after that date (see paragraphs 3.3 - 3.4).
- 5.2 The applicant has stated that he has replaced the signage since his purchase of the business in June 2000 and has supplied photographic evidence showing the earlier signage to occupy approximately 50% of the area between the front floor windows at first floor level.
- 5.3 The internally illuminated front first floor sign now occupies the entire area between those front floor windows.

## **6.0 CONCLUSION**

- 6.1 Notwithstanding the 1962 consent (see paragraph 3.3 - 3.4), Control of advertisements through the Town and Country Planning (Control of Advertisement) Regulations 1992, and policies in the Unitary Development Plan (adopted 25 May 2002) have altered since the date of the original consent for these advertisements
- 6.2 In addition, no action is only recommended against the internally illuminated sign on the front elevation at first floor level. No enforcement action is recommended against the internally illuminated sign above the recessed door and the internally illuminated box sign while there is an additional non-illuminated sign within the recessed doorway.
- 6.3 In the circumstances, the Council considers it is justified in refusing this application and expedient to recommend prosecution against the internally illuminated sign on the front elevation at first floor

level. Given the history, it is intended to contact the owner in writing to offer a suitable period for the advertisement to be removed before prosecution proceedings are commenced.

- 6.4 The applicant has supplied photographic evidence in support of his application showing other signage in the area. Enforcement cases have been opened to investigate illuminated signage above fascia level in the vicinity of applicant's premises in Kensington High Street.

## **7.0 RECOMMENDATION**

- 7.1 (1) Refuse advertisement consent.

(2) Instruct the Director of Law and Administration to initiate prosecution proceedings under S.224 of the above Town and Country Planning Act 1990 (As Amended) for the unlawful display of an internally illuminated advertisement on the front elevation at first floor level of the site known as 84 Kensington High Street, London, W8.

**M.J. FRENCH**  
**EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

### **Background Papers**

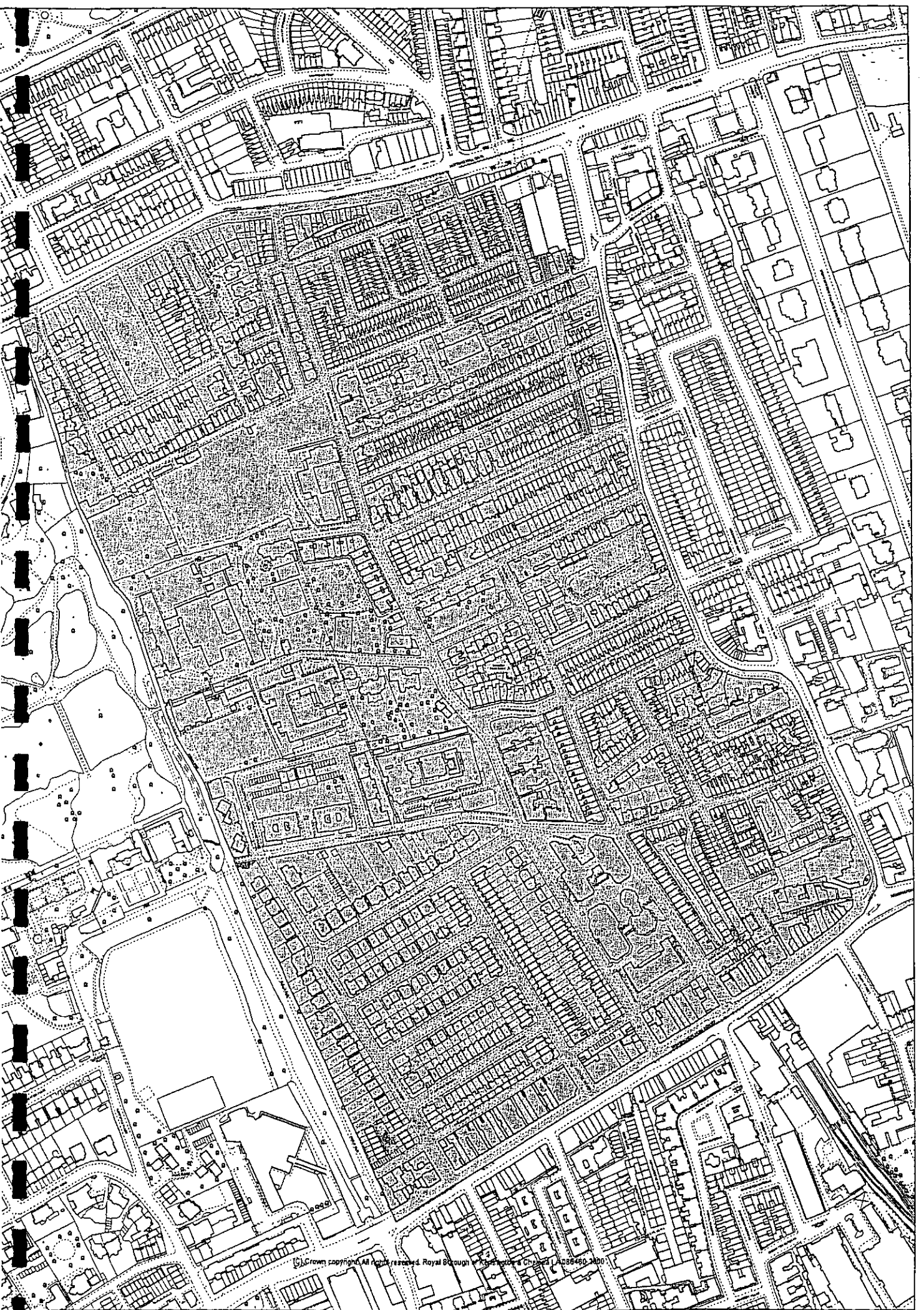
The contents of file CA/03/01753 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: JM  
Report Approved By: PK/LAWJ  
Date Report Approved: 30/09/2003





2.



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## THE EXTENT OF THE CONSERVATION AREA

The earliest conservation area designation covered much of the original village and the Pitt Estate (townscape areas 1 and 2 in this document; see map on page 11) in 1970. Four additional designations, roughly corresponding to areas 3/4, 5, 6 and 7, followed over the next three years. In 1976 these areas were joined together and given the title Kensington Conservation Area. Extensions to take in the Kensington High Street frontage followed in 1982 and 1994.

With minor exceptions, this Conservation Area is bounded by the following Conservation Areas: Holland Park to the west; Edwardes Square Scarsdale and Abingdon, and Kensington Square to the south (Kensington High Street); and Kensington Palace to the east (Kensington Church Street). The western half of its northern boundary is shared by Ladbroke Conservation Area along Holland Park Avenue.

### PROCEDURE

This Proposals Statement for Kensington Conservation Area has been prepared under the direction of M J French, Executive Director of

Planning and Conservation, by the Council's Consultants, McCoy Associates, in liaison with The Kensington Society, The Phillimore Kensington Estate, local residents groups and interested parties.

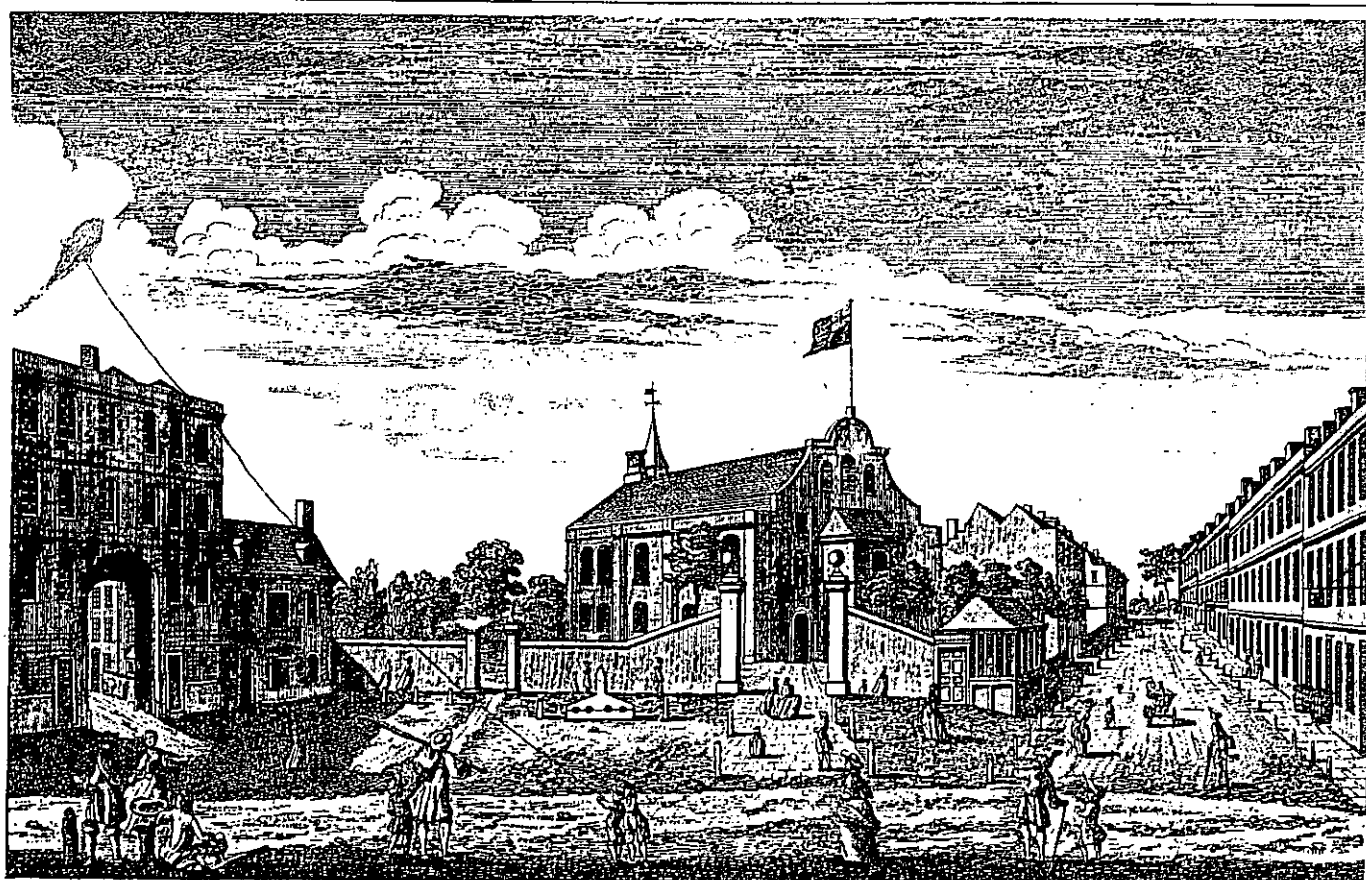
The Statement was written, illustrated and designed by Geoffrey Huntingford BSc(Hons) MRTPI.

Except where credited, historical maps and illustrations were produced by the Council's photographers from originals kindly made available by Kensington Local Studies Library. The assistance of the Council's Local Studies Librarians is gratefully acknowledged.

The map on the cover is an extract from the Ordnance Survey of 1862-5.

**THIS PROPOSALS STATEMENT WAS  
ADOPTED BY THE PLANNING AND  
CONSERVATION COMMITTEE ON  
9 JANUARY 1995**

Royal Borough of Kensington and Chelsea  
Town Hall Hornton Street London W8 7NX  
0171-361 2080



*South East View of Kensington Church &c. Vue de l'Eglise de Kensington au Sud Est &c.*

# 1

## The Old Village

*Carmel Court  
Duke's Lane  
Holland Street  
Gregory Place  
Kensington Church Court  
Kensington Church Street  
Kensington Church Walk  
Holland Place*

*Mid 18th century frontages in  
Kensington Church Street  
(below)*

*Kensington Vestry Hall as the  
public library at the end of the  
19th century (below right)*

### Historical development

The early history of this, the longest established part of this Conservation Area, has been covered above, as has the history of St Mary Abbots Church. Because of these early beginnings, this area is characterised by a small-scale, random pattern of streets and closes, in contrast to the planned development of the Pitt Estate adjacent. The east end of Holland Street with its plain, elegant brick terraces is the exception, but even here the scale is charming and intimate. In contrast to the tightly-packed dwellings of Carmel Court, Holland Place and Gregory Place, some sites around Kensington Church Walk remained undeveloped for a surprisingly long time. Land between The Old House (13 Holland Street) and Church Walk remained open until 1833, for example; the two houses built there have since been replaced by Ingelow House. Infilling continued with the erection of 6-12 Church Walk in 1875-76 by Lucas and Sons. With the establishment and enlargement of St Mary Abbots' burial ground, there has always been some open space to contrast with the dense closes and the bustle of the nearby main streets.

At the southern end of Church Walk, astride the former drive to Campden House, stands Kensington Vestry Hall. The original hall was attached to the church: the new, enlarged premises were designed by Benjamin Broadbridge and erected in 1851-52. Its Jacobean style was probably intended to reflect Holland House and Campden House. The accommodation provided was already insufficient by 1875, so a new Town Hall was built to

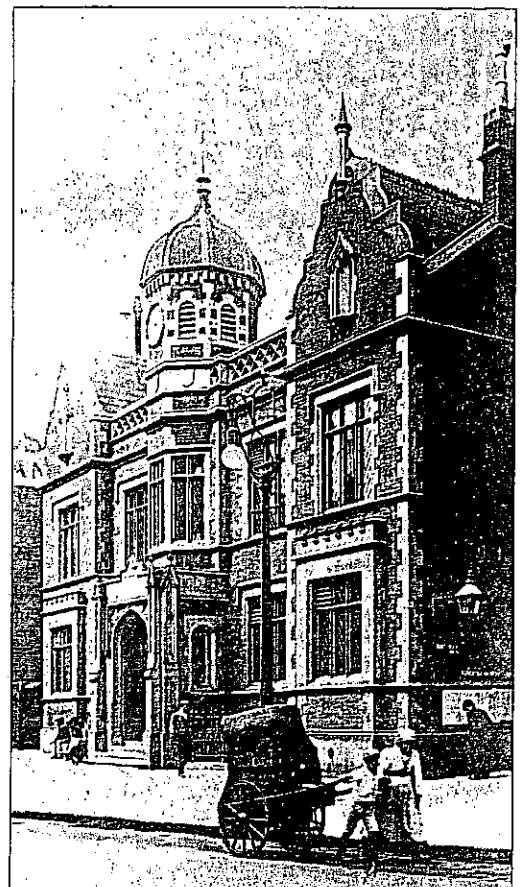
classical designs by Robert Walker between 1878-80. The elegant iron railings and gate piers to the Vestry Hall were removed at the same time. With St Mary Abbots Church of 1869-72, St Mary Abbots School completes the group of four important mid-Victorian public buildings in this small area. In this case, the date was around 1860 and the style a rather plain Gothic. The north elevation is more picturesque, however, enlivened by the schoolgirl and schoolboy figures reset on brackets. The recent development of flats and offices at Kensington Cloisters on the north side of St Mary Abbots has enhanced the almost "cathedral close" atmosphere of this location.

Other major developments in this part of the Area are confined to the north end, where Newton House and Bullingham House were demolished to make way for Bullingham Mansions in 1894. Newton Court dates from 1926, erected to designs by Wills and Kaula on the site of the buildings adapted in 1849 for the Kensington Dispensary for poor patients.

### Townscape analysis

This area, defined rather by the edge of the Pitt Estate, consists of dense earlier development remaining relatively unchanged in plan form between two groups of larger buildings which have evolved more slowly over the years.

At the southern end, the most conspicuous contrast is between the fronts (the High Street/Church Street corner) and the backs as seen from Church Walk. St Mary Abbots Church



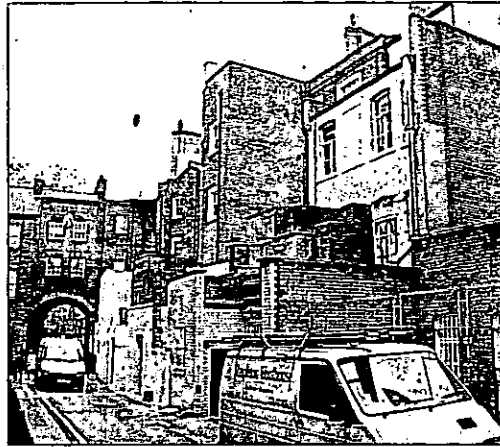
presides over both but at a distance, its screen of mature trees reducing its immediate impact. Where the tree screen is removed and the visual dislocation brought about by its immense size is reduced, as with the skilfully-contrived and important arcaded entrance, the effect is extremely attractive. The remainder of the HIGH STREET frontage within the Conservation Area is of considerable townscape value, buildings at the west end of the terrace having a particularly inventive skyline. Through the archway, CHURCH COURT is however a disappointment, little more than a service yard, though the link with Church Walk has potential.

CHURCH WALK in its meandering pattern offers many glimpses of surrounding buildings and with its mature trees is an invaluable space. Recent building and garden developments have won Environment Awards from the Council, but this route really requires the best treatment at all times.

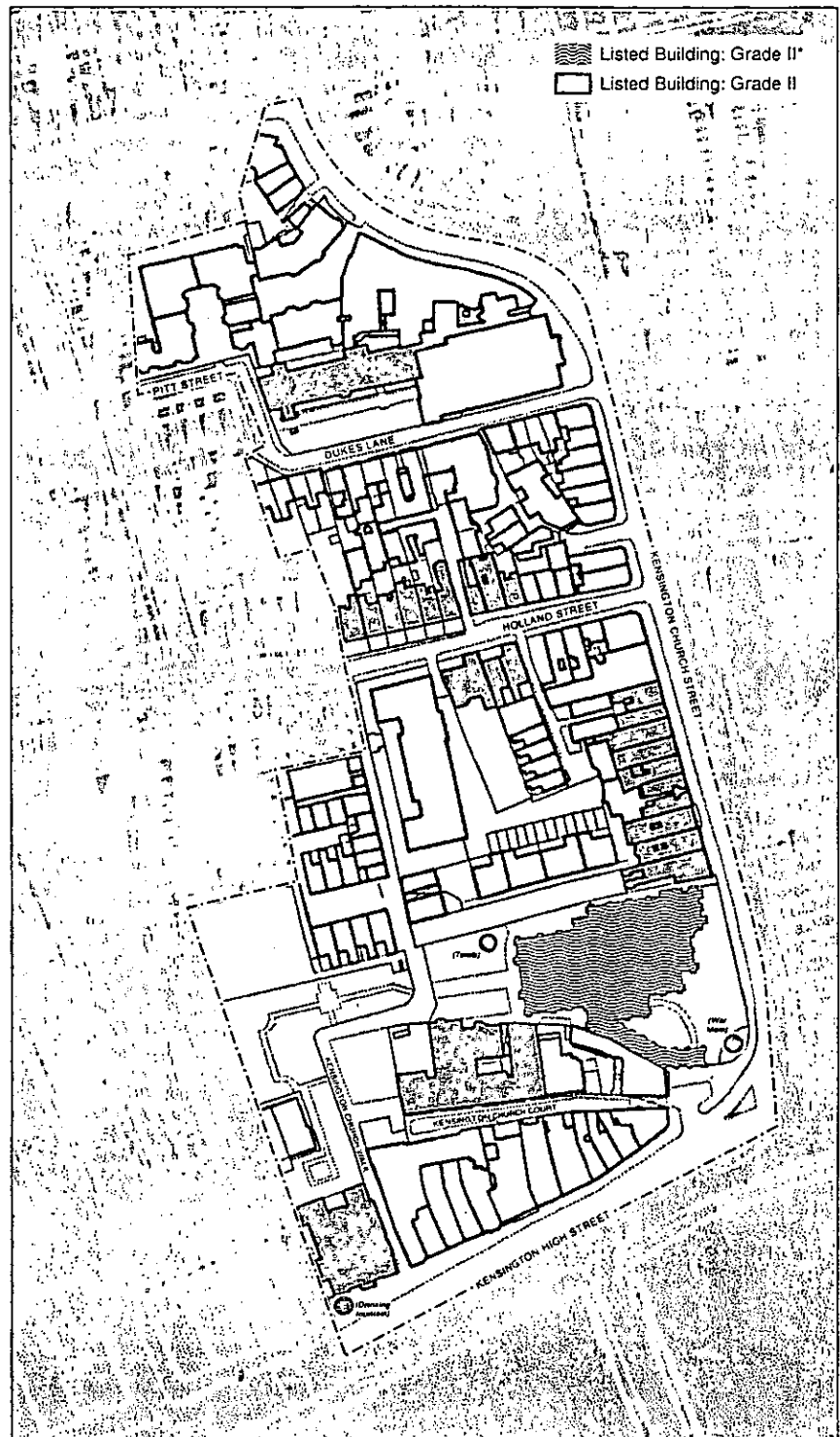
It leads easily into the central part of this area, to the dense early developments around HOLLAND STREET which is varied and altered but still derives most of its charm from early 18th century housing and some excellent shopfronts. Of the courts, CARMEL COURT is the most attractive, with houses overlooking a pedestrian walkway which is made more intriguing by the covered passage to Duke's Lane. In strong contrast, the pretty terrace down GREGORY PLACE is rather swamped by the sea of parked cars, though the activity that this creates may even so be preferable to the empty anonymity of the garage court to Ingelow House. HOLLAND PLACE is too short to be more than a brief interruption to Church Street frontages.

DUKE'S LANE itself could also have been taken over by modern development but it retains a charming variety. One is grateful for the two pairs of attractive cottages at the west end (Gordon Cottages and Queen Anne Cottages: the planting in front of 2 Gordon Cottages being particularly important) and for the skill in which Giles Gilbert Scott has placed a large church next to the Lane yet given this facade an appropriate scale.

This part of CHURCH STREET contains some buildings, such as nos. 1-17, which relate to those in the streets behind, yet even these are made very different by their relationship to a busy road successively widened to cope with the demands of heavy traffic. The early Georgian buildings remain attractive, as do Newton Court and the Church of Our Lady of Carmel. Bullingham Mansions is immaculately detailed and beautifully maintained yet it is a little lost between Newton Court and its striking post-war neighbour which helps define the sinuous route of the road in an effective way. Only the later Victorian blocks between Holland Street and Duke's Lane fail to impress although their sheer bulk is visually appropriate in this context.



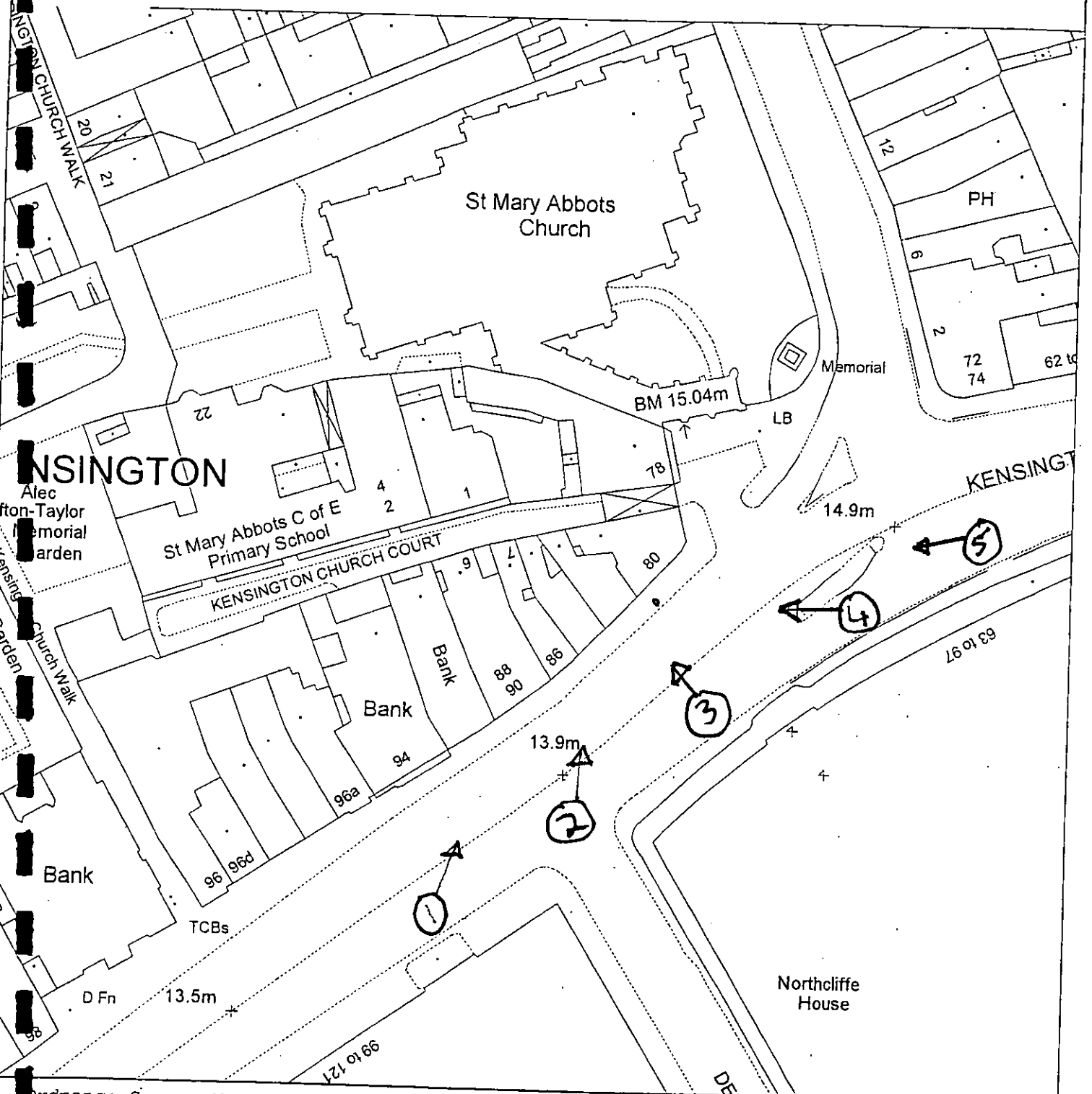
*Kensington Church Court; visual confusion behind commercial frontages (left)*







RBKC - Planning and Conservation - Card Index - Site Map



① 84 KENSINGTON HIGH STREET, W8E/03/2025

Sohn Lorenz 24/10/03



84 KENSINGTON HIGH STREET W8 E/03/2025

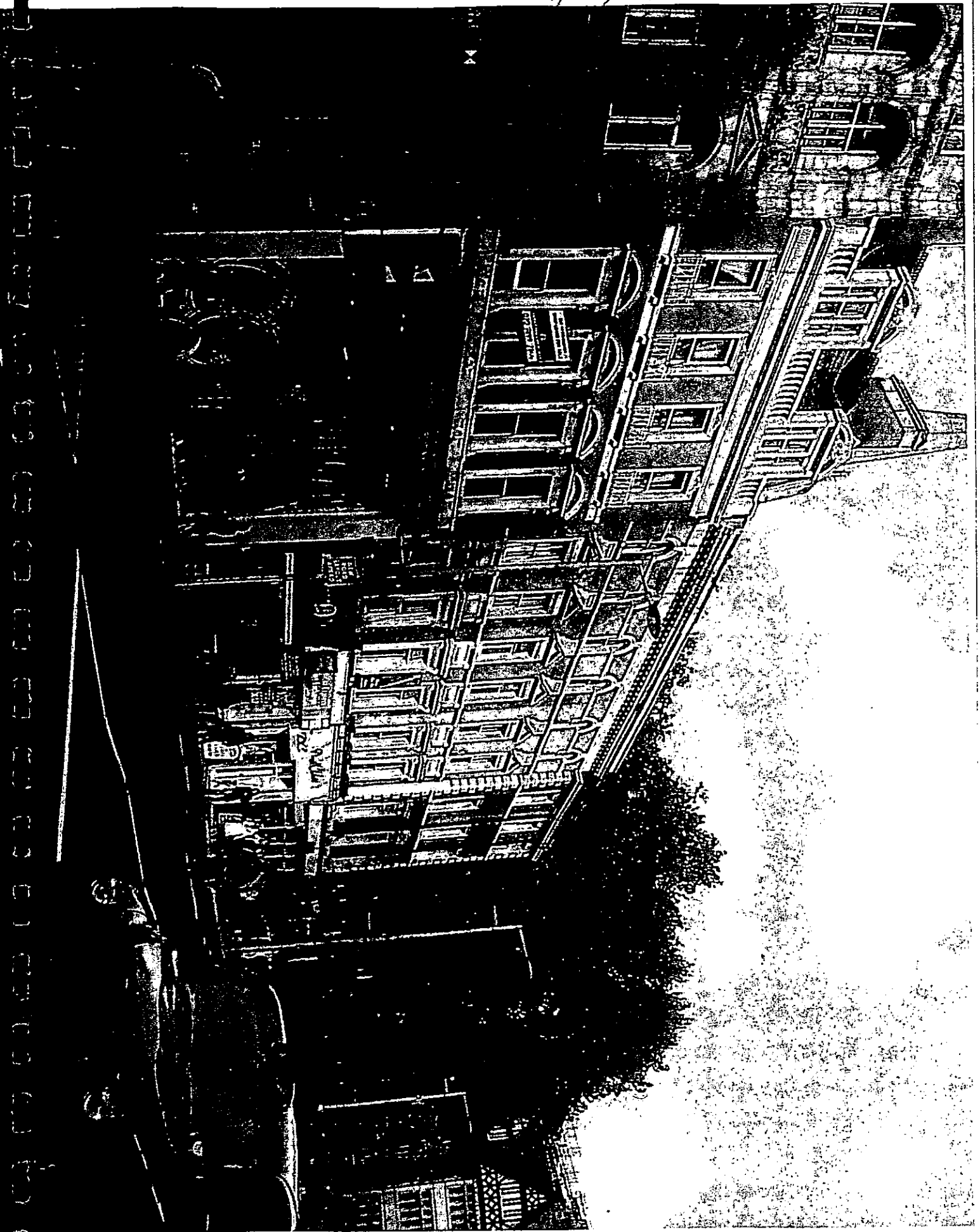
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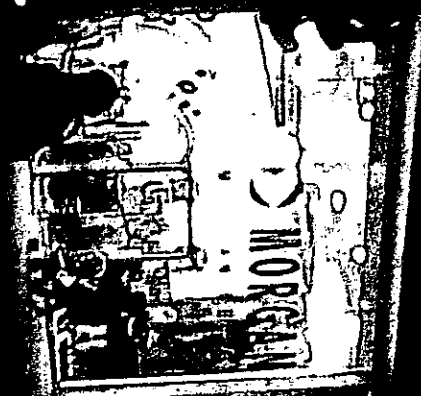


② 84 KENSINGTON HIGH STREET, W8 E/03/2025  
Selma Korman 24/10/03

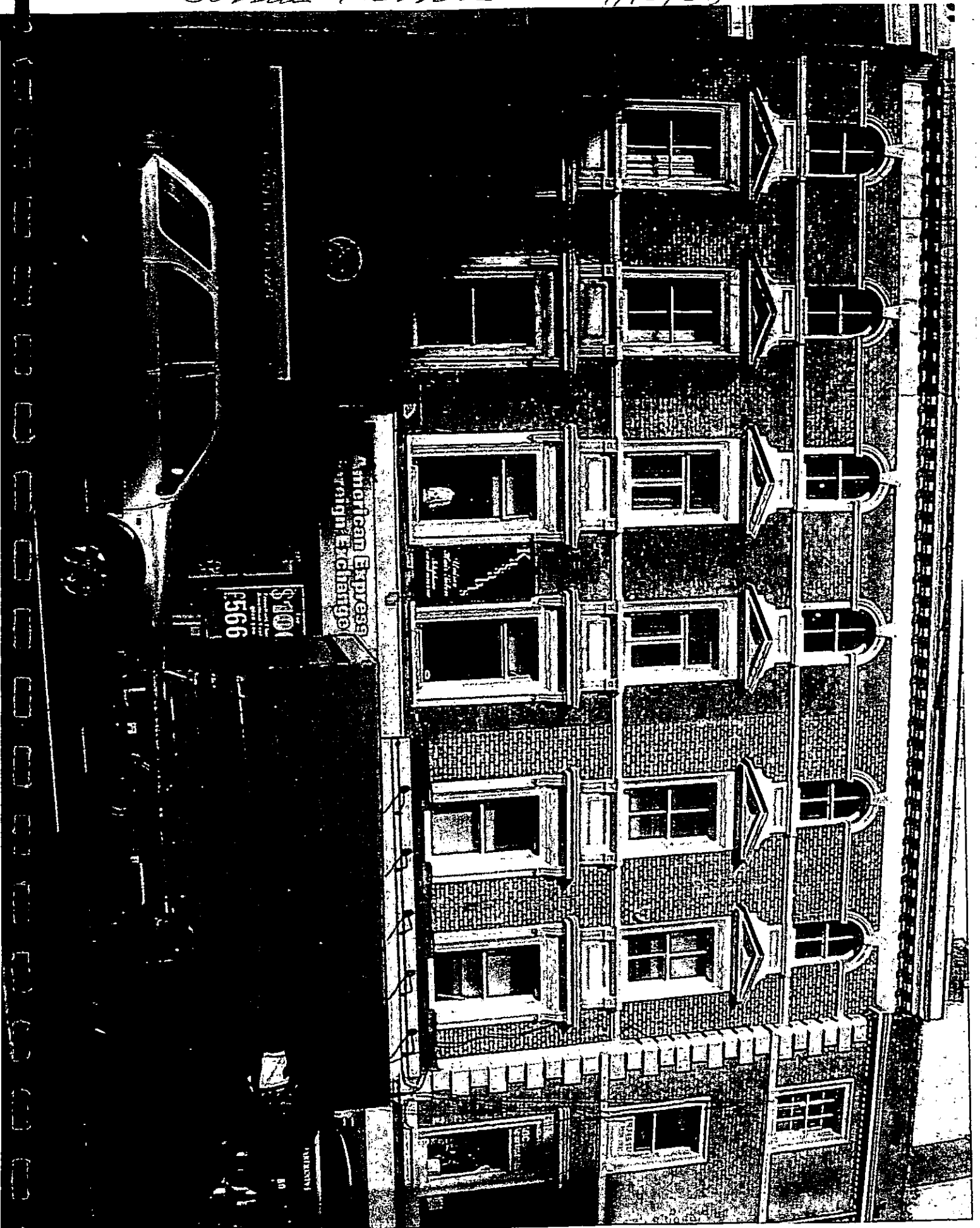


② 84 KENSINGTON HIGH STREET W8 E/03/2025

John Morrow 03/11/03

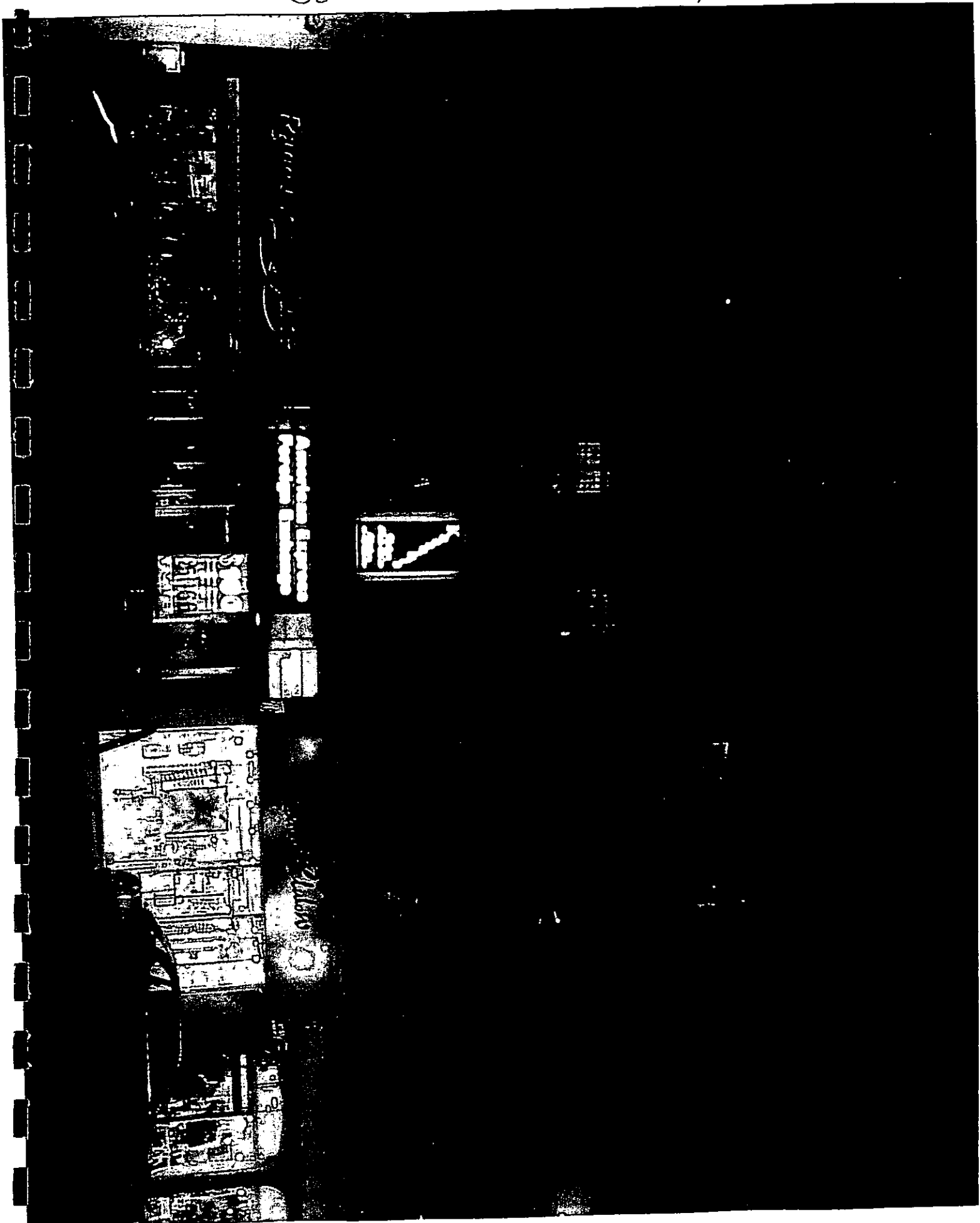


③ 84 KENSINGTON HIGH STREET, W8 E/03/2025  
Solomon Perrow 24/10/03



③ 84 KENSINGTON HIGH STREET W8 E/03/2025

John Brown 03/11/03



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84 KENSINGTON HIGH STREET, W8

E/03/2025

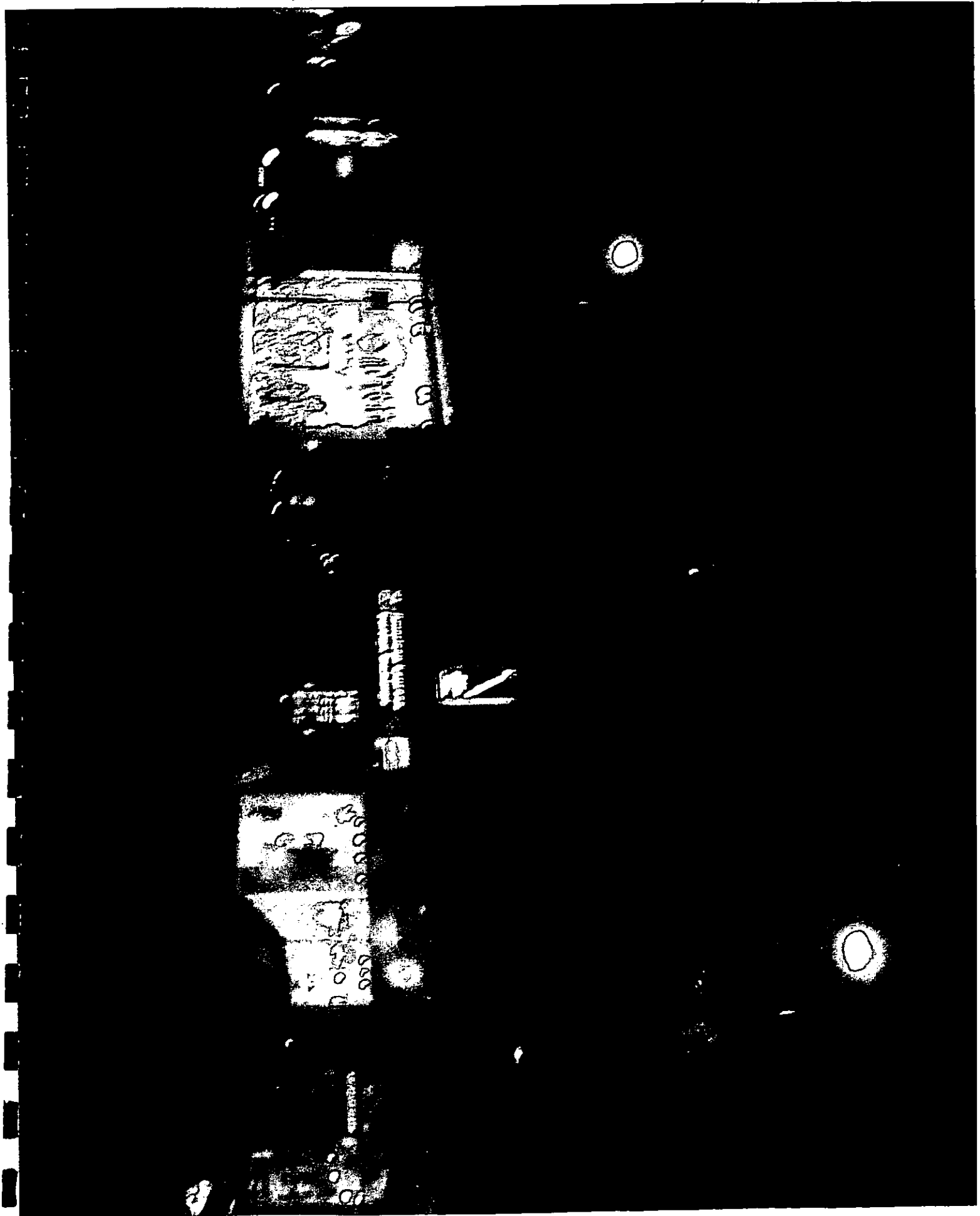
John Brown 24/10/03



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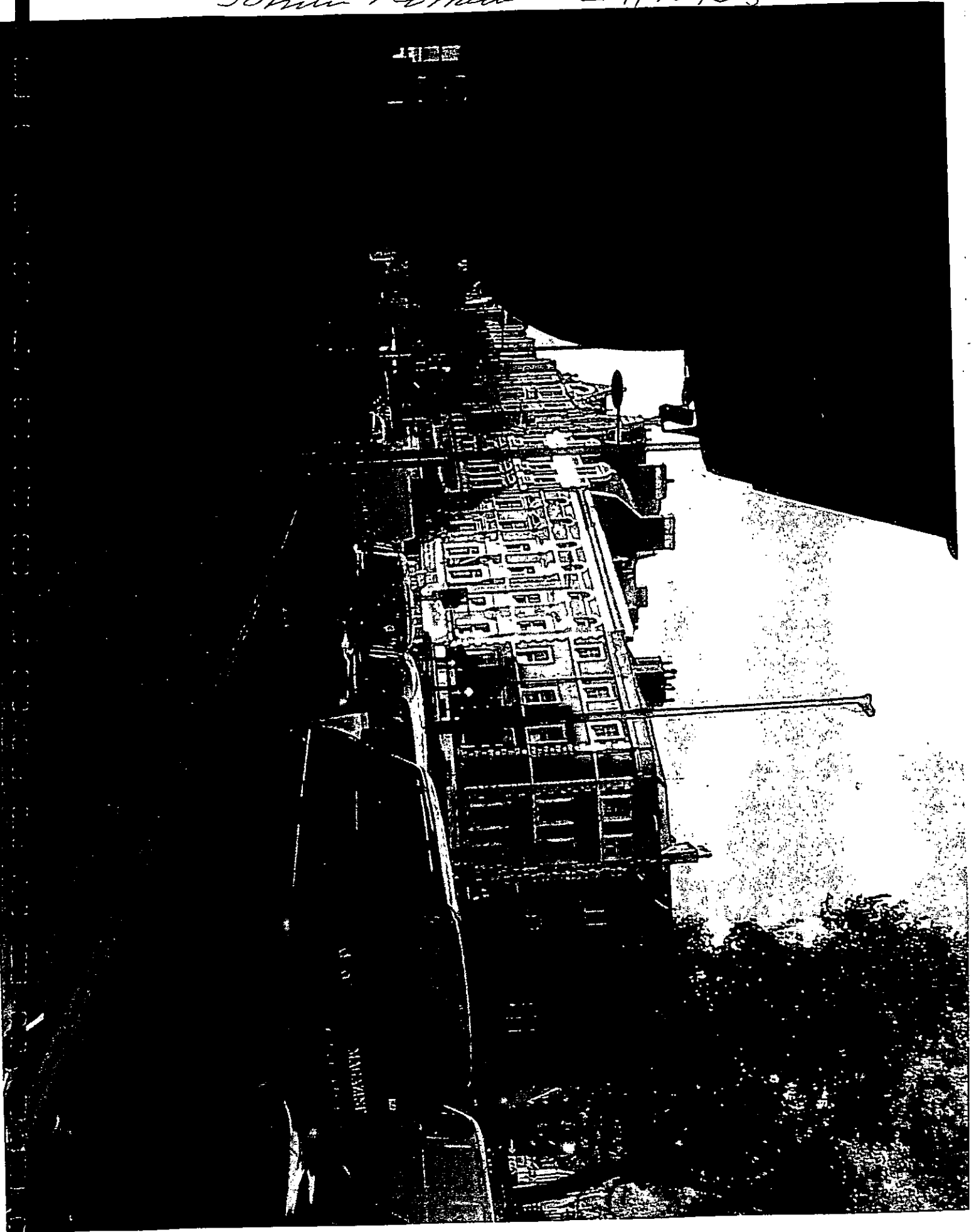
John Norton

03/11/03



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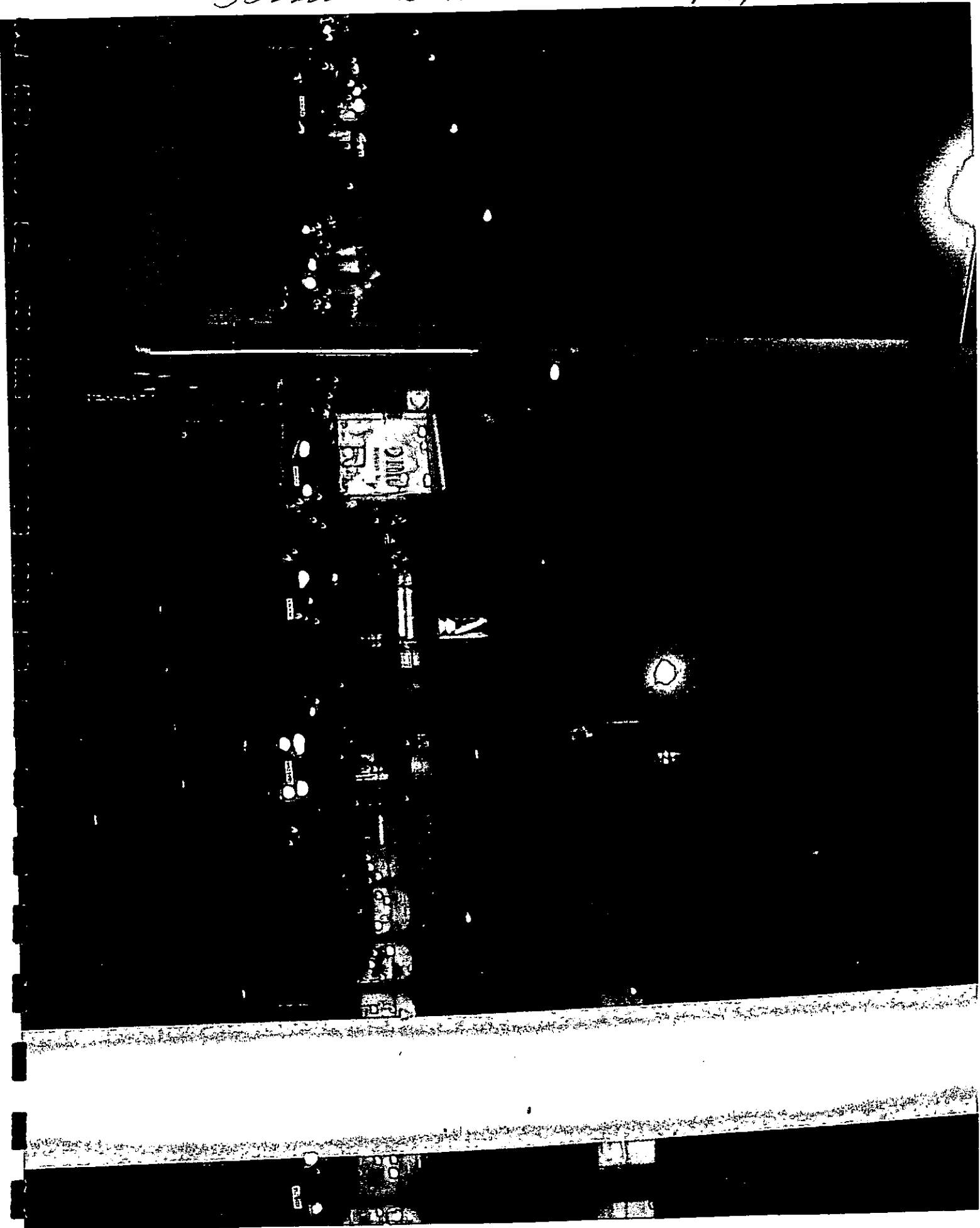
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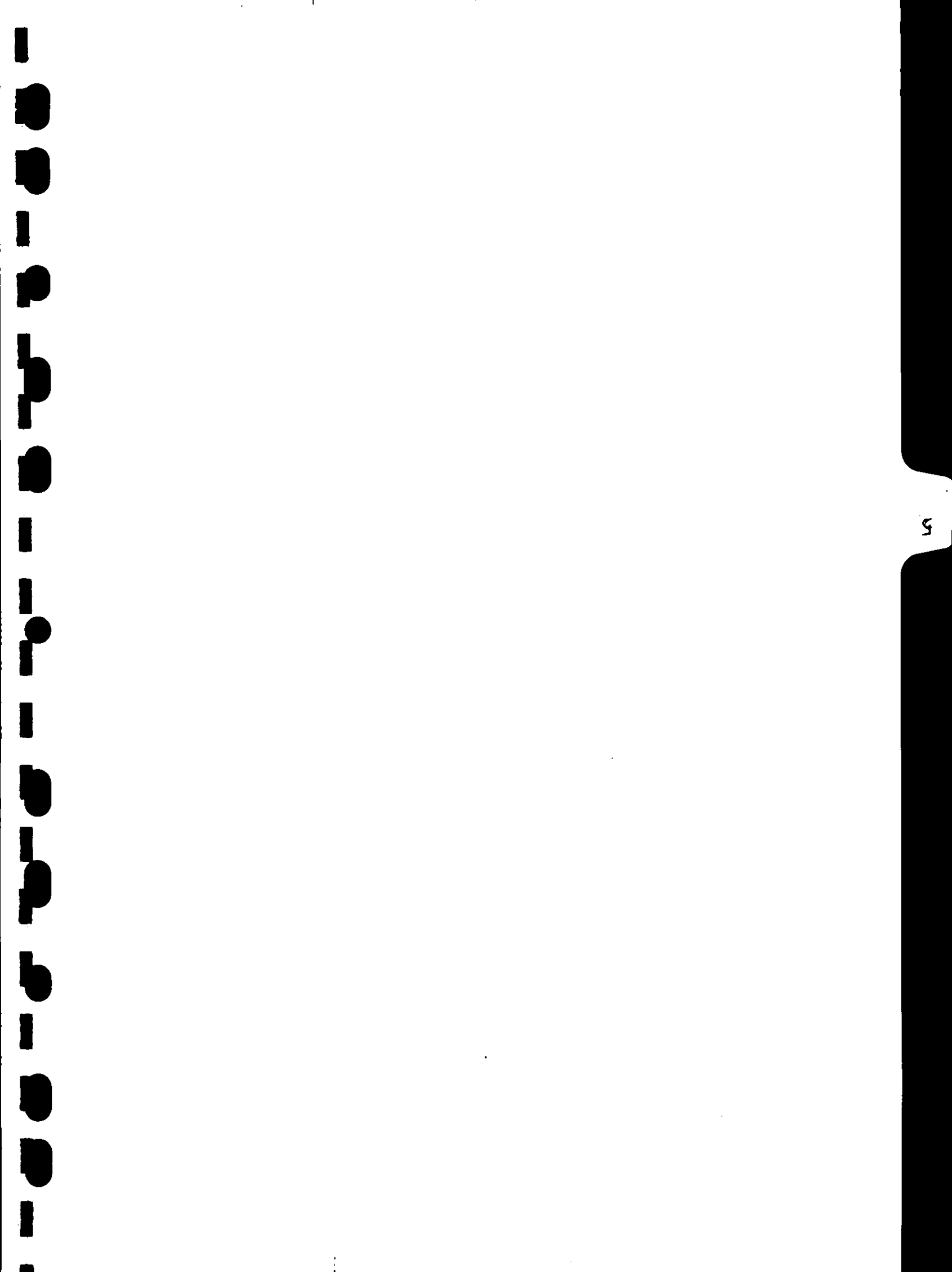
John Norton

03/11/03









to you and to be...  
notwithstanding...  
...to not... of

190/1171/JRM  
Date: 12th February, 1962.

Dear Sir(s),

Town and Country Planning Act, 1947  
Town and Country Planning (Control  
of Advertisements) Regulations, 1960

Consent to Display Advertisement

The Borough Council, in pursuance of powers under the above-mentioned Regulations delegated to it by the London County Council, hereby consents to the advertisement referred to in the following schedule (in accordance with the plans submitted), for the period and subject to the conditions specified in the schedule.

This consent is given subject also to due compliance with any local Acts, Regulations, Building Bye-laws and general statutory provisions in force in the area and is without prejudice to the rights of the London County Council under Section 22 of the London Building Act, 1930, and Part IV of the London Building Acts (Amendment) Act, 1939, the Petroleum (Regulation) Acts, 1928 and 1936, and in relation to the powers of that Council as licensing authority for theatres and places of public entertainment. Nothing herein shall be regarded as dispensing with such compliance or be deemed to be a consent by the London County Council thereunder.

This consent does not modify or affect any personal or restrictive covenants applying to the land or the rights of any person entitled to the benefit thereof.

SCHEDULE

Date of application: 13th January, 1962.

Plans submitted No.: --- Applicant's No.:

- Particulars of Advertisement:
- (a) Panel sign 3'6" x 3'11" between 1st floor windows.
  - (b) Panel sign 6'0" x 2'0" in recessed entrance to upper part.
  - (c) Double sided box sign 3'0" x 2'6" at fascia level, all with perspex panels and internal fluorescent illumination.

At Kasebis, 84 Kensington High St., W.8.

Period of Consent: From 1.2.62 To 31.1.67.

Signs in Plastic  
159, Mare Street,  
London, E.1.

P.T.O.

Standard Conditions

- (1) All advertisements displayed and any land used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Borough Council.
- (2) Any hoarding or similar structure, or any sign, placard, board or device erected or used principally for the purpose of displaying advertisements, shall be maintained in a safe condition to the reasonable satisfaction of the Borough Council.
- (3) Where any advertisement is required under the Regulations to be removed, the removal thereof shall be carried out to the reasonable satisfaction of the Borough Council.

Additional Conditions

- (1) Any fluorescent or neon illumination being of an intensity not to cause annoyance to residents or distraction to drivers of vehicles. (See accompanying letter).

Reasons for conditions (other than conditions 1, 2 & 3)  
or period of consent (if less than full period).

- (1) As stated in condition.

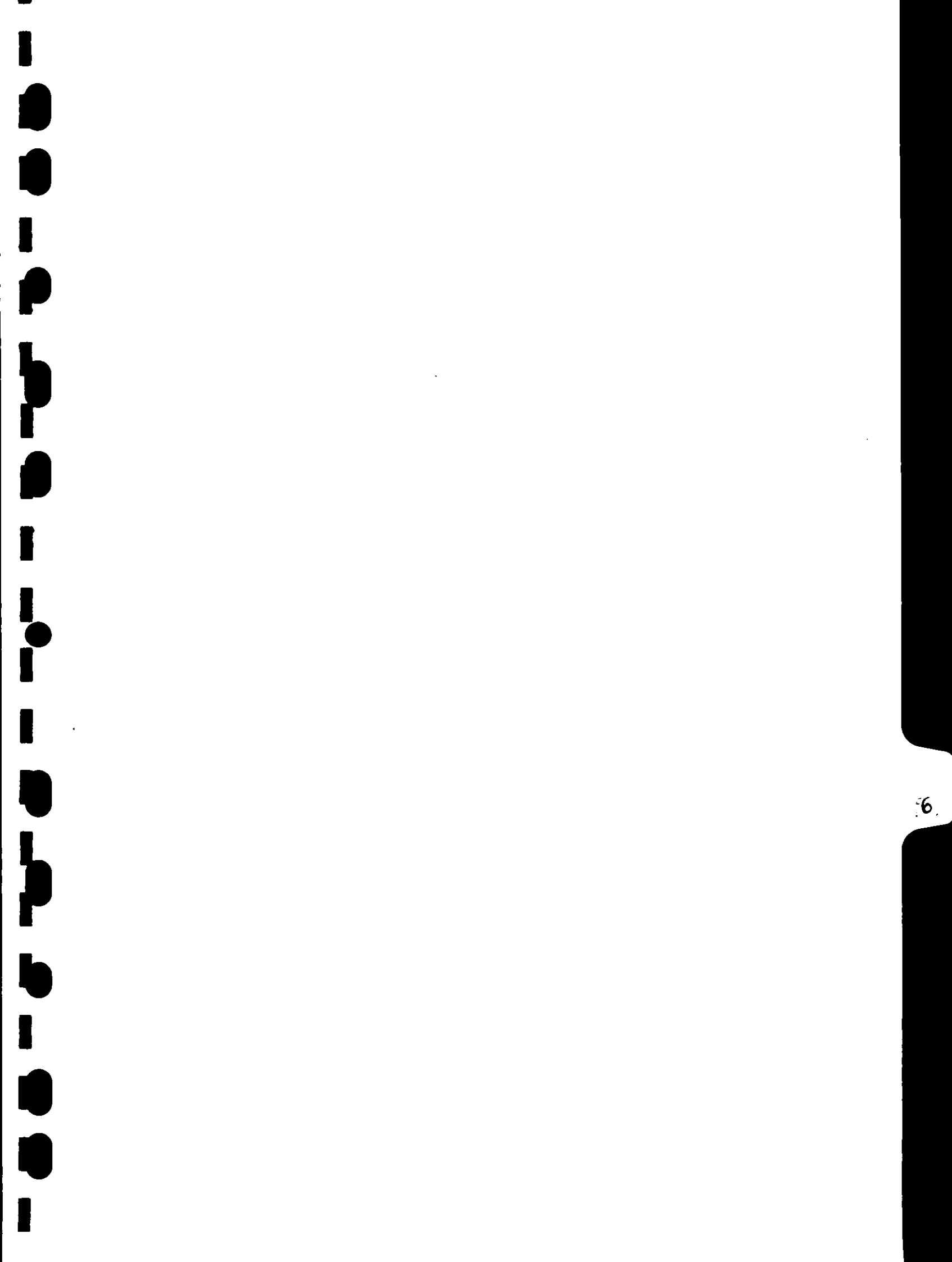


Yours faithfully,

Borough Engineer & Surveyor,  
Duly Authorised Officer.

NOTES: An applicant aggrieved by any conditions imposed by the Borough Council, other than the Standard Conditions 1, 2 & 3, may appeal to the Minister of Housing & Local Government under Regulation 2C of the Town and Country Planning (Control of Advertisements) Regulations, 1960, by notice in writing to the Minister within one month from the receipt of this decision. Notice of such appeal must also be sent to the Borough Council.

Attention is drawn to the necessity for any electrical installation to comply with (i) the requirements of the London Electricity Board, and (ii) Post Office requirements and/or regulations with regard to the suppression of radio interference.



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**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

The Manager  
Kassabis Hairdressers  
84 Kensington High Street  
London W8

Switchboard: 0207-937-5464  
Extension: 2733  
Direct Line: 0207-361-2733  
Facsimile: 0207-361-3463  
Email: [plnfr@rbkc.gov.uk](mailto:plnfr@rbkc.gov.uk)  
Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

14 July 2003

My reference: DPS/C/E/03/2025 Your reference:

Please ask for: John Morrow

**Without Prejudice**

Dear Sir/Madam

**Town and Country Planning Act 1990 (As Amended)  
Town and Country Planning (Control of Advertisement) Regulations 1992  
Erection of Unauthorised Advertisements  
Re: Kassabis Hairdressers, 84 Kensington High Street, W8**

The Council, as the Local Planning Authority, is responsible for regulating the display of advertisements in the interests of the amenity and safety of the area.

I note that the following advertisements are being displayed at the above address without the necessary advertisement consent:

- Internally illuminated sign at first floor level
- Internally illuminated projecting box sign
- Internally illuminated sign above recessed door

I would draw your attention to the warning below regarding the offence of displaying an advertisement in contravention of the above Regulations.

You are advised, that should an application to display the above signs be submitted, it is unlikely to be granted consent on the basis that they are considered to clutter the area, have a detrimental effect on the visual amenities of the street scene and the surrounding conservation area and are contrary to Policy CD76 of the Unitary Development Plan which seeks to restrict the display of inappropriate advertisements in the Borough.

Should the unauthorised advertisements not be removed within 21 days of the date of this letter, I shall have no option but to consider whether to commence proceedings for the unauthorised display of advertisements. Once commenced, the Council will not normally consider withdrawing proceedings without first having received payment in respect of its costs in the matter.

continued 2



contact me on the above number should you wish to discuss the matter.

Yours faithfully

Paul Kelsey

Area Team Leader

For the Executive Director, Planning and Conservation

**WARNING**

Under S.224 of the Act, if any person displays an advertisement in contravention of the Regulations he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000 and, in the case of a continuing offence, £100 for each day during which the offence continues after conviction. A person shall be deemed to display an advertisement if (a) he is the owner or occupier of the land on which the advertisement is displayed; or (b) the advertisement gives publicity to his goods, trade, business or other concerns.



**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr Mehmet  
Flat 1  
62 Lowther Hill  
London SE23 1PY

Switchboard: 0207-937-5464  
Extension: 2733  
Direct Line: 0207-361-2733  
Facsimile: 0207-361-3463  
Email: plnlr@rbkc.gov.uk  
Web: www.rbkc.gov.uk

21 July 2003

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

My reference: DPS/C/E/03/2025 Your reference:

Please ask for: John Morrow

**Without Prejudice**

Dear Mr Mehmet

**Town and Country Planning Act 1990 (As Amended)  
Town and Country Planning (Control of Advertisement) Regulations 1992  
Erection of Unauthorised Advertisements  
Re: Kassabis Hairdressers, 84 Kensington High Street, W8**

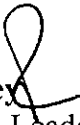
I refer to your recent telephone conversation with my Senior Planning Enforcement Officer, John Morrow, in connection with the above matter.

As discussed, I do not consider the advertisements to be acceptable as on the basis that they clutter the area, have a detrimental effect on the visual amenities of the street scene and the surrounding conservation area and are contrary to Policy CD76 of the Unitary Development Plan which seeks to restrict the display of inappropriate advertisements in the Borough.

Nevertheless, it is your right to make an application to display the advertisements. Application forms and additional information are attached. Your application will be treated on its planning merits, without prejudice and maybe refused.

I would be grateful if you would contact Mr Morrow on the above telephone line within 14 days of the date of this letter to inform him when I can anticipate receipt your application to display the above advertisements.

Yours sincerely

  
**Paul Kelsey**  
Area Team Leader  
For the Executive Director, Planning and Conservation



INVESTOR IN PEOPLE

Frank JM.

24/7

Kensabis  
Hair & Beauty Limited  
1<sup>st</sup> Floor  
84 Kensington High Street  
London W8 4SG

21 July. 2003

The Royal Borough of  
Kensington and Chelsea

Planning and Conservation  
The Town Hall Hornton Street,  
London W8 7NX

Without Prejudice

Executive Director M J French

|      |             |     |     |          |     |
|------|-------------|-----|-----|----------|-----|
| EX   | REC'D       | UAC | AD  | CLU      | AO  |
|      |             |     |     |          | AK  |
| R.B. | 24 JUL 2003 |     |     | PLANNING |     |
| K.C. |             |     |     |          |     |
|      |             |     | APP | IC       | REC |
|      |             |     | APP | DES      | FEE |

Dear Sir/Madam

I have today received a letter, copy attached, from one of your area team leaders regarding the advertising signs of my business. The letter states that I am in breach of Planning Regulations and that I must remove the signs within 21 days from the date of your letter and that it would be unlikely that I would be permitted planning due to the reasons stated in your letter.

Can I first say that I am shocked to have received such a letter as the signs that we have in place are replacements of old signs that were in place for many years. We acquired the business from the previous owners in June 2000, At that time the old signs were in place and to my understanding having spoken with Mr. John Morrow have been since 1974. I was just leaving secondary school at that time, I am now 45 years of age. At the time of purchasing the business, which has been a hair salon since 1948, we would not have known of any dispute regarding planning for the erection of the signs and would naturally assumed that everything concerning signage was in accordance to planning consent and regulation. Can I mention that if a business has been in existence since 1948, then surely from that time there must have been some sort of advertising of the business followed with many changes to signage as ownership of the business changed hands.

It is now, given the many years this issue has remained in limbo, unfair of you to demand of us what you should have enforced on the previous owners. Having been in business for the past three years from the time we acquired it we find it very surprising that a member of public actually reported the signs as Mr. Morrow has stated. Why did that same member of public not report the signage that was already in place and has now only decided to make a complaint since changing the old to new signage.

I have gone to a great deal of expense to replace the old signage, the cost being almost £3,000. To ask us to remove them after being idol for many years is both unfair and demonstrates incompetence on your part. Mr. Morrow has asked me to submit a planing application giving drawings and dimensions. I have agreed to do this so as to comply with planning regulations and to close an ongoing dispute between planning and the previous owners.

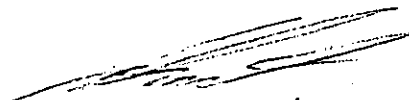
My only concern about playing ball with you is that you will not pay ball with me once I submit the application and pay the relevant fees. You have clearly stated within your letter that you are advised that should an application to display the signs be submitted, it is unlikely to be granted consent. You have already decided the outcome without taking into account that the old signs have been in place for many years and after five years becomes custom and practice. You should have dealt with the matter long before we purchased the business but for some reason or another have decided to act now.

According to your letter, it is stated that the signs are considered to clutter the area, have a detrimental effect on the visual amenities of the street scene and the surrounding conservation area. If this is the case then you may consider sending most businesses the same letter you have sent to me. My signs are not what you state, a great deal of thought went into the design and how best to complement the area and the type of business we run. Our signs are elegant and in keeping with the street scene. We have a small projecting sign on the face of the building with a further sign above our entry door so that the public do not mix our entrance with the American express entrance. The larger sign between the 1<sup>st</sup> floor windows is laid flat to the wall and is not projecting like most up and down the high street, which in my opinion constitute a safety problem during high wind conditions.

In conclusion I feel that given the number of businesses on the high street who's signs are less in keep with the street scene and clutter the area. My signs complement these. Club Kensington has a sign that is about as tall as the building and projects out and this is acceptable, other buildings have canopies above their windows and this to is acceptable. Each time Barkers Arcade changes its window display they should apply for planning consent as they to could be in beach of having a detrimental affect on the visual amenities of the street scene. No we would not like to upset the big payers of the high street lets go after the small businesses who are already struggling to survive. To remove our signage is as good as closing us down, we can not afford to remove signs or have the funds to fight appeals if planning is refused. Whatever the outcome I will not be forced to remove the signage that have replace old signage and have been in place since the 1960's. I feel that you are discriminating against our business, You have no right to demand this of us since neglecting to act against the previous owner when you should have at the time.

I apologies for my strong remarks over this issue but I do feel very strongly about this matter and the expense we have made to promote our business during hard times. If necessary will take this matter up with my local MP. The street scene is born out of the local business rate paid by the business community. Since when have you ever consulted with the business community of the works that you are carrying out for their approval.

Gevdet Mehmet



(Director of Kassabis Hair & Beauty Limited)

|              |             |    |     |     |          |     |     |
|--------------|-------------|----|-----|-----|----------|-----|-----|
| EX DIR       | IND         | TP | UAG | AD  | GLU      | AO  | AK  |
| R.B.<br>K.C. | 24 JUL 2000 |    |     |     | PLANNING |     |     |
| AL           | C           | SW | SE  | APP | IO       | REC |     |
|              |             |    |     | ARB | FFW      | DES | FEE |

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr Gevdet Mehmet  
Flat 1  
62 Lowther Hill  
London SE23 1PY

Switchboard: 0207-937-5464  
Extension: 2733  
Direct Line: 0207-361-2733  
Facsimile: 0207-361-3463  
Email: [plnr@rbkc.gov.uk](mailto:plnr@rbkc.gov.uk)  
Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

22 September 2003

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

My reference: DPS/DCC/CA/03 Your reference:  
/1753 &  
E/03/2025

Please ask for: John Morrow

## Without Prejudice

Dear Mr Mehmet

**Town and Country Planning Act 1990 (As Amended)**  
**Town and Country Planning (Control of Advertisement) Regulations 1992**  
**Shop Signage to Front Street Elevation at Ground and First Floor Levels**  
**Re: Kassabis Hairdressers, 84 Kensington High Street, W8**

I refer to your application to display the above advertisements received by this Council on 13 August 2003 under reference CA/03/1753.


Given the context of this High Street location and similar signage nearby, I consider the signs at ground floor level to be acceptable.

However, the illuminated sign at first floor level is unacceptable and should be removed as it has a detrimental effect on the appearance of the street scene and the surrounding conservation area in which it is located.

In the circumstances, you should forward plans indicating removal of the illuminated sign at first floor level and when the sign is to be removed. Should I not receive the required amended plans, I shall have no option but to refuse your application to retain the signs and recommend prosecution under S.224 of the above Act for the unlawful display of the illuminated advertisement at first floor level.

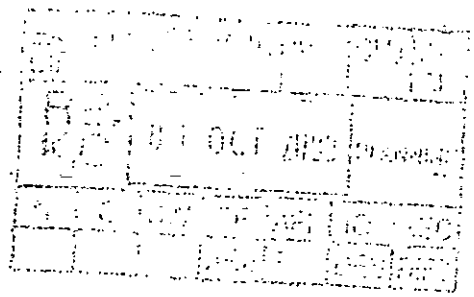
I look forward to receiving your amended plans in the near future.

Yours sincerely

  
**Paul Kelsey**  
Area Team Leader  
For the Executive Director, Planning and Conservation



KASSABIS  
Hair & Beauty Limited  
1<sup>st</sup> Floor  
84 Kensington High Street  
London W8 4SG



25<sup>th</sup> September 2003

Mr. Derek Myers, Town Clerk & Chief Executive  
Royal Borough of  
Kensington & Chelsea,  
Town Hall  
Horton Street  
London W8 7NX

29 SEP 2003

Dear sir,

I have today received a response from your Planning Department, refusing to permit the existing advertising I was asked to apply for.

If I can explain. Kassabis is a family run small hairdresser business which has been in business since 1948. I acquired the business from the previous owners on the 5<sup>th</sup> of June 2000. The salon is located on the 1<sup>st</sup> floor and because of this we are easily passed by.

The business already had existing signage which dates back many years, I have attached an old photo of the High Street as proof. Our solicitors search did not highlight any breaches of the advertising requirements and so we assumed that the existing signs that were in place at the time of purchasing the business, were with planning consent and that we were not in breach of any planning requirements. Planning did not dispute the signs until we updated the old signs with new. There were no changes to their positioning and all that we did was change the old signs with new. We had to make these changes because the details shown on the old signage no longer correctly represented our business details in respect to the changes to the prefix of the telephone numbers and the change of ownership of the beauty salon. Upon receiving a letter from Mr. John Morrow, one dated 14<sup>th</sup> July and another dated 21<sup>st</sup> July, copies attached. I contacted Mr. Morrow thinking this to be some kind of practical joke or maybe a mistake. After explaining that the signs were replacements of old signs hoping this would clarify the issue he explained that the premises has been in dispute with signage dating back to 1974. I asked him if that was the case then why didn't this outstanding matter between the previous owners, who were in breach of planning, dealt with and allowed to be outstanding for this length of time. I was then asked to submit a planning application for the already erected new signs, which I was reluctant to do so having received a letter from Planning that categorically stated that I would not be granted permission. Mr. Morrow asked that I put in an application and give evidence of examples of other premises signage on the high street to back up my reasons to keep my signs. This I did and several photos were taken of the high street backing my submission. I understood from his request for me to submit an application that because of the past dispute with the previous owners, Mr. Morrow wished to set the record straight by me following proper planning procedures. I accepted this and had plans drawn up giving details and dimensions of what was already in place. Submitted the application and paid my money only for Mr Morrow to go back on his word. I was not

given an assurance that I would receive permission but was made to believe that if I set the records straight by making an application which would put an end to the outstanding dispute with the previous owners, I would most likely receive permission. Instead Mr Morrow chose to allow me the signs on the ground floor that cost the lease and the sign that has cost me £3,000 has to be removed. As stated in his most recent letter of the 22<sup>nd</sup> September 2003 Attached.

I have also attached photos showing the old signage and the one Mr. Morrow is disputing is the sign located between the first floor windows. This sign has been in place before we purchased the business and to my knowledge has been in place since 1966. I ask, why was this sign allowed to stay in place for so long with no action taken against the previous owners to remove it and now that I have changed it, out of innocence, I am to be punished for it. Had the dispute been the previous owners of the salon been addressed before, there would not be a sign between the windows at the time of my purchase and I would not have found myself in the position I have been placed in by your Planning Department. Why should I have to pay for your Planning Departments irresponsibility and failure to act against the previous owners. Mr. Morrow has no hesitation in issuing me with a section 224, had this been done many years ago we would not be having this dispute and wasting both your time and mine.

I have tried to speak with Mr. Morrow further about this but he will not listen to reason. If my sign has a detrimental effect on the appearance of the street scene and surrounding conservation area than all signs up and down the High Street have the same effect and they too should be sent a section 224 notice to remove them, I would like evidence that notices have been sent out before I remove my sign.

Kensington High Street is a seven day shopping area for tourists and visitors, tourists and visitors that have declined over the past three years due to the political events around the world. We are struggling to survive and what pickings are left are very difficult to come by. To remove my sign that I believe and our neighbours also believe is commensurate of the street scene and surrounding area, would ruin our trade and our business. I ask that you visit the premises and make your own judgement and compare my sign to the nearby larger businesses along the High Street. I have put this to Mr. Morrow and his response is that the businesses that I have highlighted in the photos I sent as an example, will also be dealt with. Well until such time he dose deal with these premises who have also had their signs in place for many year I do not intend to remove my sign. I feel that I have been used by your Planning Department to carried out the work your Department is paid through our business rates to do, by providing them with photos that they will now use against the other High Street businesses. I do not enjoy being used in this manner. As a final note I would also ask why has it taken someone all this time to complain about my sign and why didn't that person making the complaint, complain about the old sign that was in place for many years.

I would appreciate a response from you office regarding this issue, I have also sent a letter to Mr. French and My MP Mr. Portillo and neither has had the decency or curtesy to respond.

Yours sincerely

  
Gevdet Mehmet

(Director of Kassabis Hair & Beauty Limited)

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr Gevdet Mehmet  
Kassibis Hair & Beauty Ltd.  
1<sup>st</sup> Floor  
84 Kensington High Street  
London W8 4SG

Switchboard: 0207-937-5464  
Direct Line: 0207-361-2075  
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Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

09 October 2003

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

My reference: GE/dyb

Your reference:

Please ask for: Mike French

Dear Mr Mehmet

## Formal Complaint

Kassabis Hair & Beauty Ltd., 1<sup>st</sup> Floor, 84 Kensington High Street, W8

I refer to your complaint dated 29 September 2003 in connection with the unauthorised installation of internally illuminated shop signage at ground and first floor levels at the above address. I have now had the opportunity to investigate your complaint and would comment as follows.

The Council received a complaint from a member of the public with regard to signage at 80, 82 and 84 Kensington High Street on 29 January 2003. The enforcement cases at 80 and 82 Kensington High Street were closed on 17 June 2003 as consent to display signage at those addresses had already been granted or benefited from deemed consent under the Advertisement Regulations. Although consent to display advertisements in connection with the illuminated fascia and box signs in connection with the ground floor use at 84 Kensington High Street was granted in 1999, no record of a current consent could be ascertained from the Council's planning records for other illuminated signage at this address.

I can find no evidence of you being told in letters you refer to dated 14 and 21 July 2003 from the Council or discussions with my Senior Planning Enforcement Officer, John Morrow, that you would be granted permission. I also have no record of any dispute about signage at this location dating back to 1974. On the contrary, you were advised of the relevant policies in the Unitary Development Plan, that it was your right to make an application to display the advertisements and any application would be treated on its merits, without prejudice and maybe refused and the letters specifically mentioned that consent is unlikely to be granted

Your subsequent application was determined on its merits and without prejudice and following observations from the Council's Conservation and Design section. As you are now aware, your application was refused on 30 September 2003 as the display of the internally illuminated advertisement on the front elevation at first floor level was considered to cause substantial injury to the visual amenity, architecture and appearance of the host building and the surrounding street scene by introducing unnecessary clutter and completing with the elaborate architectural detailing of the first floor windows. Although the ground floor signs were also not considered to be welcome, in the context of this part of Kensington High Street, it was only considered expedient to pursue action against the sign at first floor level.



INVESTOR IN PEOPLE

You also state that you have tried to speak with Mr Morrow further about this but he would not listen to reason, but I understand that Mr Morrow has had a number telephone conversations with you when he has clearly explained the Council's position.

In addition, following submission of your photographic evidence of other signage in the area, enforcement cases have been opened to investigate illuminated signage above fascia level in the vicinity of your premises in Kensington High Street. As with your sign, each case will be dealt with on its merits and without prejudice.

As to the final query you raise, I am not in a position to comment as to why it has taken someone all this time to complain about your sign. That is clearly a matter for themselves. The details of any complainant with regard to an enforcement case are considered exempt in accordance with the Local Government (Access to Information) Act 1985 which means that their identity is confidential.

I appreciate that the installation of the signs was expensive, but if you had checked the planning position before installing the sign this expense would have been avoided. I am afraid that was your responsibility, not the Council's. Whilst this is a busy shopping area, the Council's consistent policy is to resist illuminated signs above fascia level, and to allow your sign could result in other upper floor businesses also expecting to display signs above fascia level. I note you do already have an alternative illuminated sign at fascia level.

In view of your particular problems, I am prepared to defer any decision to instruct the Director of Law and Administration to commence prosecution proceedings for two months from the date of this letter to allow you the necessary time to arrange for the removal or relocation of the unauthorised internally illuminated sign at first floor level at the above property.

You are also advised that internal advertisements are considered to benefit from deemed consent under the Advertisement Regulations. You do not, therefore, require express consent from the Council to display any internal advertisement(s) provided there is no external illumination. You may wish to consider forwarding details of any alternative location/arrangement you maybe considering for the above sign before its implementation to avoid any future problems.

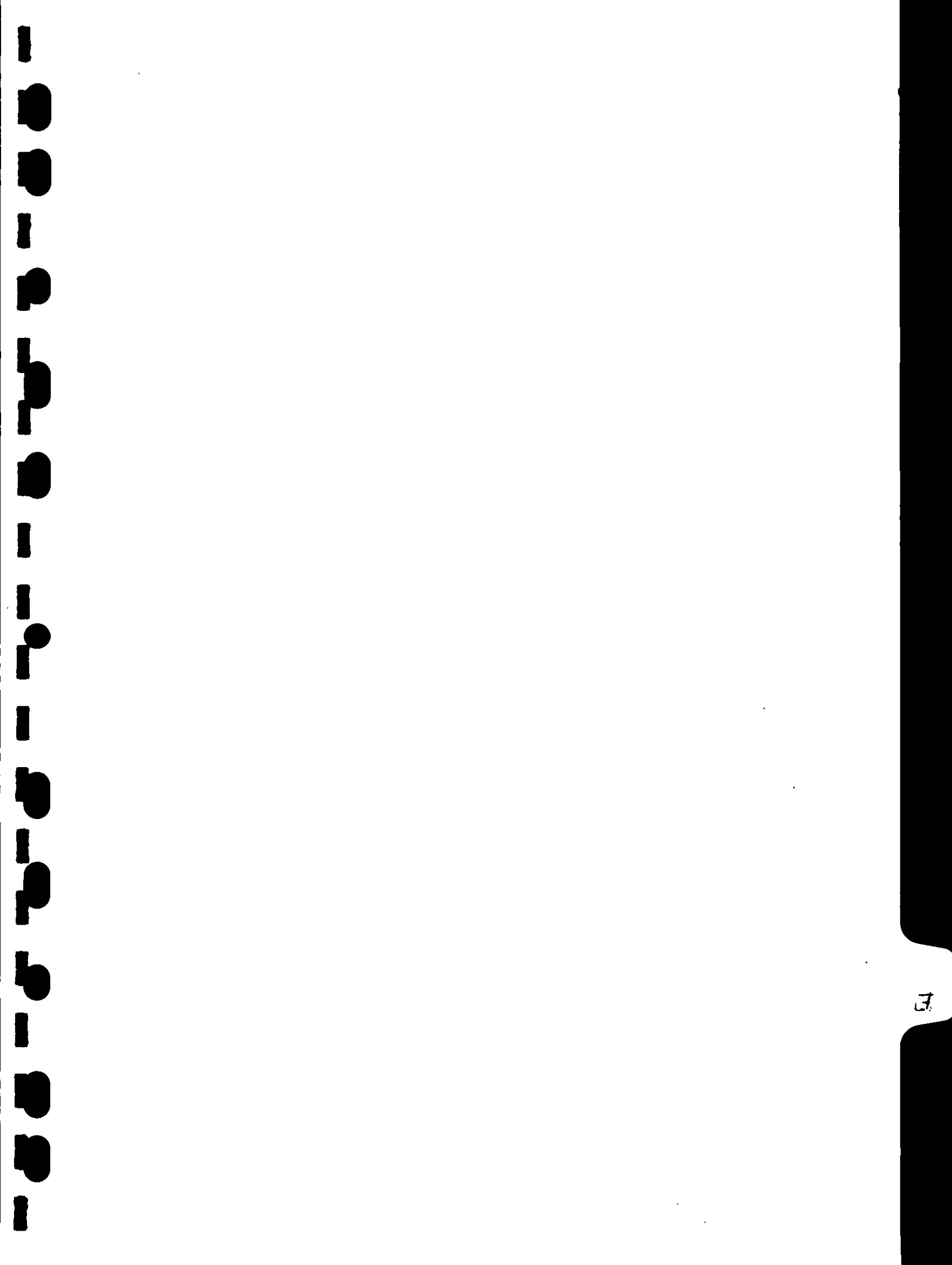
In conclusion, I consider this matter has been dealt with in the proper manner at all times. The Council is obliged to investigate complaints regarding alleged breaches of planning control. Your signage is unauthorised and I consider the subsequent retrospective application for consent to display the advertisement to have been determined in the proper manner. As stated above, should you be aggrieved by the Council's decision, you have the right of appeal to the Planning Inspectorate.

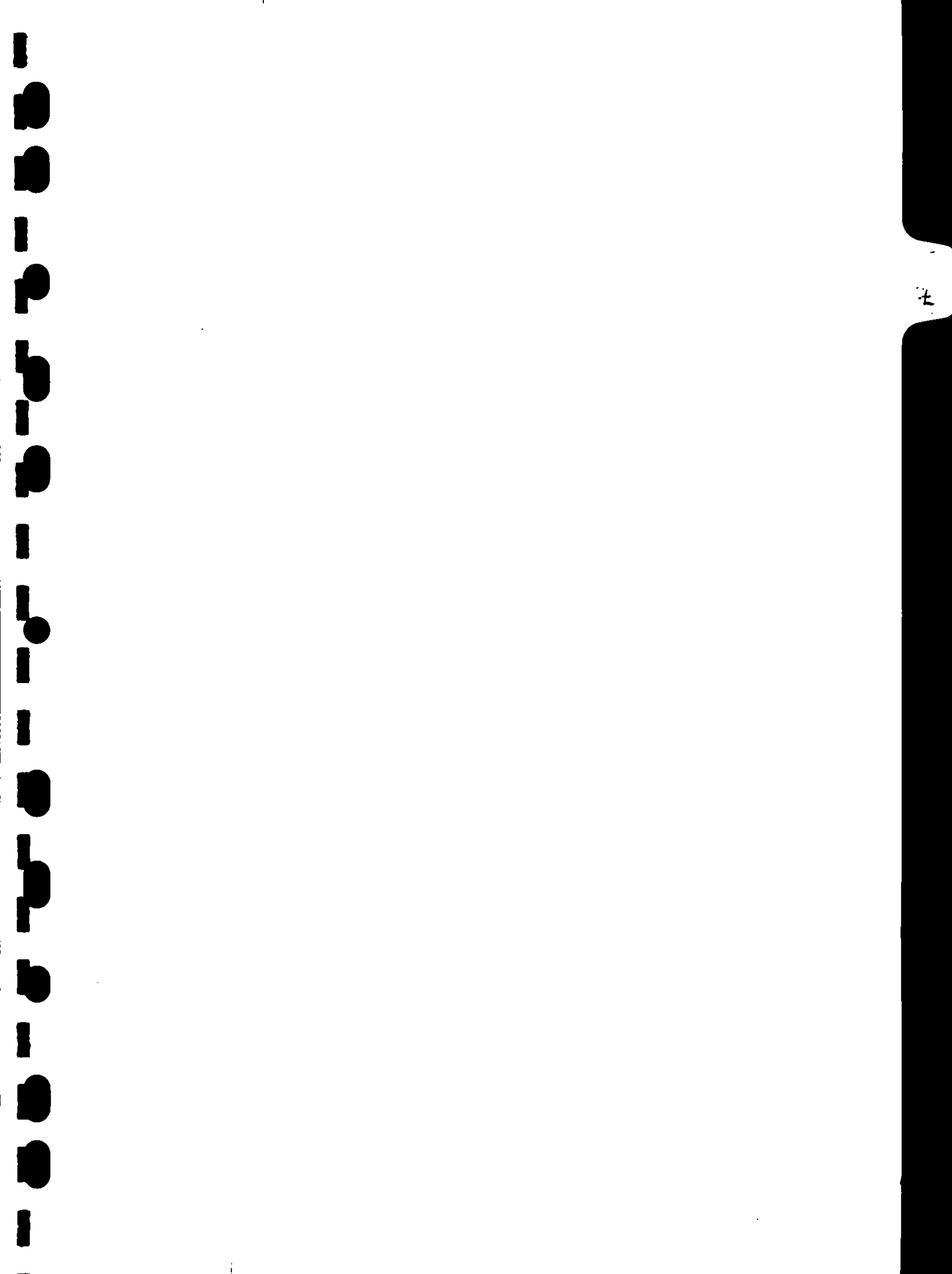
Yours sincerely

  
**M.J. FRENCH**  
Executive Director, Planning and Conservation

Cc. Derek Myers, Town Clerk & Chief Executive







**STRAT 8**

**To promote sustainable development to conserve and enhance the environmental quality of the Royal Borough.**

**Conservation and Development****STRAT 9**

**To seek to ensure that all development preserves and enhances the residential character of the Royal Borough.**

**STRAT 10**

**To protect Listed Buildings and to preserve and enhance the character or appearance of Conservation Areas, Areas of Metropolitan Importance, Areas of Local Character, and other buildings or places of interest.**

**STRAT 11**

**To promote high environmental and architectural design standards in new developments and alterations and in additions to existing buildings.**

**STRAT 12**

**To protect London's skyline and strategic views, particularly the strategic view of St Paul's Cathedral from King Henry's Mound.**

**STRAT 13**

**To protect the River Thames and its setting, to enhance its character and amenity and ensure that the integrity of the river's flood defences is maintained.**

**STRAT 14**

**To ensure that people with special mobility needs have equality of physical access throughout the Borough.**

**STRAT 15**

**To protect Ancient Monuments and Sites of Archaeological Interest.**

- 4.2.35 However, the Council will have regard also to the value to the community of those activities, often small-scale, generally service or craft orientated, whose economic existence depends on a pool of low-cost property. (See Offices and Industry Chapter).

### 4.3 CONTROL OF DEVELOPMENT

- 4.3.1 The policies below apply in all parts of the Borough.

#### Standards of Design

- 4.3.2 The Council is concerned that the quality of architectural design of development in all areas of the Borough should be of a high standard. Development may also provide opportunities for environmental benefits such as sitting-out, sports or landscaped areas.

**CD27 To ensure that all development in any part of the Borough is to a high standard of design and is sensitive to and compatible with the scale, height, bulk, materials and character of the surroundings.**

#### Urban Design

- 4.3.3 Quality in urban design is an essential component in the control of development. It includes the relationship between different buildings; the relationship between buildings and the streets, squares, parks, trees and other vegetation, waterways and other spaces which make up the public domain; the nature and quality of the public domain itself; the relationship of one part of a city with other parts; and the patterns of movement and activity which are thereby established.

- 4.3.4 The policy below is intended to reinforce and enhance the traditional urban pattern of the Royal Borough in a number of ways:

- By maintaining free movement, particularly of pedestrians, through the streets of the Borough (permeability);
- By preserving and creating features which contribute in a positive way to the legibility of the built environment (that is, the way the urban environment is recognised and understood) including landmarks, building lines, open spaces, views, vistas and key locations such as important cross roads, shopping centres or public gathering places;
- By ensuring visually interesting and secure streets by the provision of active frontages in appropriate locations, the maintenance of defensible space, and the provision of appropriate uses and design of upper floors to ensure informal surveillance of the public realm;

CONSERVATION  
& DEVELOPMENT

## 4.5 CONSERVATION AREAS AND LISTED BUILDINGS

### Conservation Areas

- 4.5.1 There are currently 35 conservation areas in the Borough, covering about 70% of its area. The Council will consider from time to time whether conservation areas should be extended or new areas designated. The programme of preparing proposals statements for all existing conservation areas will be completed and those in need of review will be updated.
- 4.5.2 A list of conservation areas and Conservation Area Proposals Statements appears in Appendix 1. Conservation areas are identified on Map 3 and also shown on the Proposals Map.
- 4.5.3 Each statement identifies the characteristics which contribute to the special nature of the conservation area and includes guidance which ensures its preservation and enhancement. Guidelines for the design of new building work (including extensions and alterations to existing properties), as well as proposals for enhancement work to be carried out by the Council itself, are also included. The preparation or review of Conservation Area Proposals Statements, and the enforcement or implementation of any proposals identified in them, will be carried out in consultation with local amenity groups.
- 4.5.4 The Statements will set out detailed guidance to interpret and elaborate on development control policies set out in the Plan. Such detailed guidance will be applied to all relevant planning applications.

**CD57 To pay special attention to the desirability of preserving or enhancing the character or appearance of each conservation area.**

- 4.5.5 In many cases the character of an area depends not only on the fabric of existing buildings, but also on the ambience created by trees and gardens, walls and railings, external features and materials. The mix of land uses may contribute to the character of an area and in retail streets the design of shopfronts and signs are important.

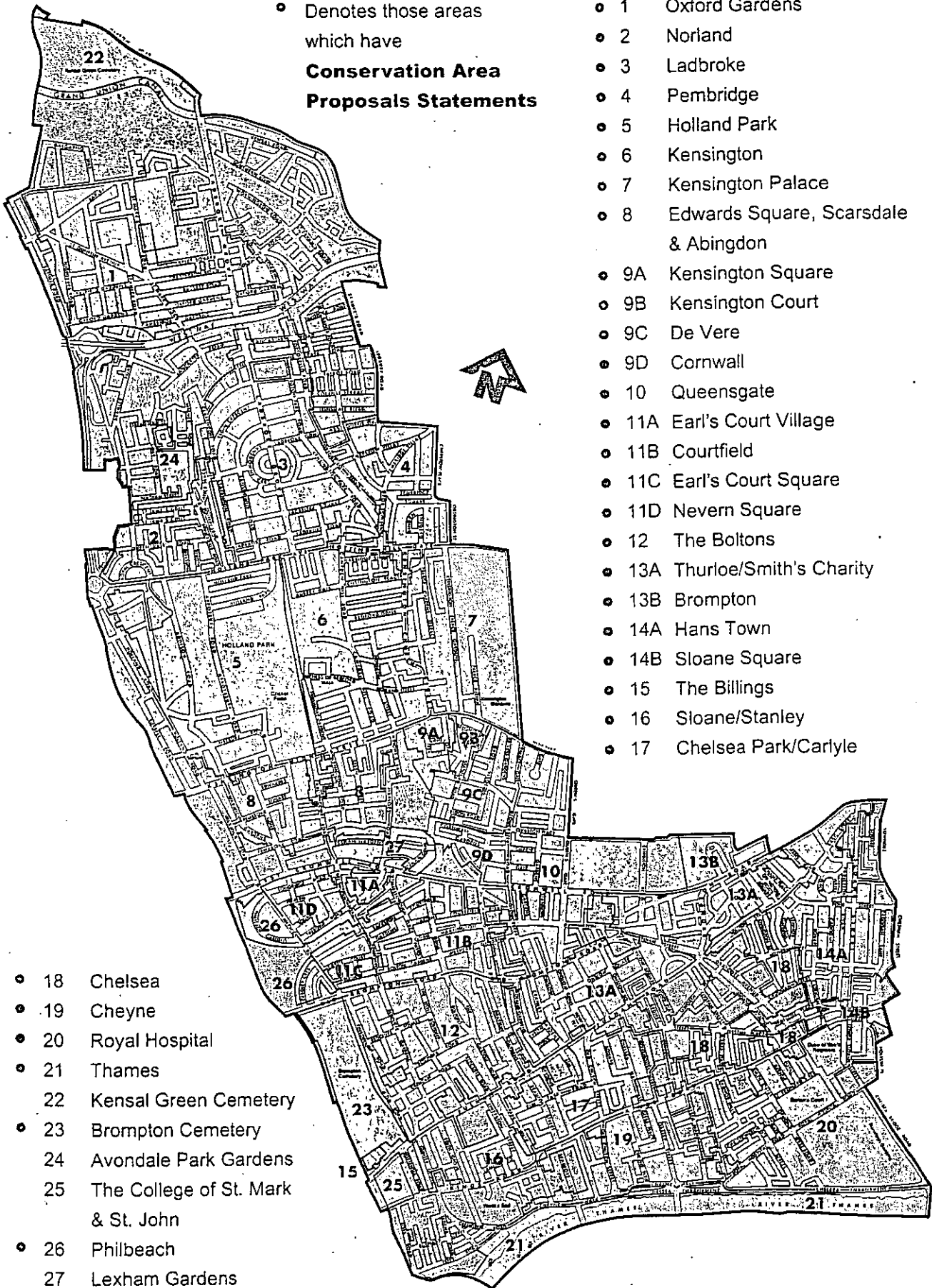
**CD58 To encourage and contribute to the improvement of the environment of conservation areas.**

**CD59 To seek the implementation of specific proposals which have been agreed in Conservation Area Proposals Statements as resources permit, and in consultation with amenity groups, commercial interests and other relevant bodies.**

# MAP 3 CONSERVATION AREAS

○ Denotes those areas which have **Conservation Area Proposals Statements**

- 1 Oxford Gardens
- 2 Norland
- 3 Ladbroke
- 4 Pembridge
- 5 Holland Park
- 6 Kensington
- 7 Kensington Palace
- 8 Edwards Square, Scarsdale & Abingdon
- 9A Kensington Square
- 9B Kensington Court
- 9C De Vere
- 9D Cornwall
- 10 Queensgate
- 11A Earl's Court Village
- 11B Courtfield
- 11C Earl's Court Square
- 11D Nevern Square
- 12 The Boltons
- 13A Thurloe/Smith's Charity
- 13B Brompton
- 14A Hans Town
- 14B Sloane Square
- 15 The Billings
- 16 Sloane/Stanley
- 17 Chelsea Park/Carlyle



- 18 Chelsea
- 19 Cheyne
- 20 Royal Hospital
- 21 Thames
- 22 Kensal Green Cemetery
- 23 Brompton Cemetery
- 24 Avondale Park Gardens
- 25 The College of St. Mark & St. John
- 26 Philbeach
- 27 Lexham Gardens

- 4.5.6 The Council will support the improvement of the environment of conservation areas through street works and the upkeep of open spaces. Many conservation areas are cluttered by street furniture such as lamp-posts and signs and, where possible, the Council will reduce unnecessary elements. The Council will pay particular attention to the design and location of street furniture in conservation areas.

#### **Demolition**

- 4.5.7 The architectural quality of a building and its contribution to the character and appearance of a conservation area may be severely compromised by substantial demolition, and this will be taken into account when the Council considers any proposals. It is considered that a building's contribution to the character of a conservation area stems not only from its street frontage but also the side and rear elevations. The historic plan form and integrity of the buildings also make a significant contribution to the character of the conservation areas. Redevelopment behind a retained front facade therefore is generally not acceptable.

#### **CD60 To resist demolition or substantial demolition of buildings in conservation areas unless:**

- a) **the building or part of the building structure makes no positive contribution to the character or appearance of the area; or**
- b) **the condition of the building is proved to be such that refurbishment is not possible; and**
- c) **a satisfactory scheme for redevelopment has been approved.**

- 4.5.8 Any consent for demolition will normally be subject to a condition that the building shall not be demolished until a contract for new work has been made.

#### **Development in Conservation Areas**

- 4.5.9 The Borough contains some of the best examples of Victorian and Edwardian townscape in London. Overall, the residential environment is of the highest quality. This environmental quality is evident not only in the public realm, but also at the rear and sides of properties, particularly, around areas of private gardens. Residents' appreciation and enjoyment of the special character and appearance of conservation areas derives from both public viewpoints and views from within their dwellings. In applying these policies, the Council will consider not only the street scene, but views from other buildings and gardens, as these are also important to residents' amenities. In particular, careful regard will be had to the content of Conservation Area Proposals Statements.

8

**CD61 To ensure that any development in a conservation area preserves and enhances the character or appearance of the area.**

**CD62 To ensure that all development in conservation areas is to a high standard of design and is compatible with:**

- a) **character, scale and pattern;**
- b) **bulk and height;**
- c) **proportion and rhythm;**
- d) **roofscape;**
- e) **materials;**
- f) **landscaping and boundary treatment;**

**of surrounding development.**

**CD63 To consider the effect of proposals on views identified in the Council's Conservation Area Proposals Statements, and generally within, into, and out of conservation areas, and the effect of development on sites adjacent to such areas.**

4.5.10 In order for the Council to consider fully and in detail any proposals for new buildings, alterations, or extensions which will affect the character or appearance of a conservation area, sufficient information must be supplied with any planning application.

**CD64 To require full planning applications in conservation areas where a proposal is likely to affect the character or appearance of the conservation area.**

4.5.11 In dealing with applications for alterations and extensions, the Council will seek to enhance buildings by encouraging the reinstatement of missing architectural features.

#### **Listed Buildings**

4.5.12 There are over 3,700 buildings, widely dispersed within the Royal Borough, which are included in the Statutory List of Buildings of Special Architectural or Historic Interest. The Council considers that their preservation, protection and correct maintenance is of great importance.



character; the sudden appearance of a large opening within the envelope leaves a gap in the shopping parade, so that the space itself is altered. The facade above is also left visually unsupported, the vertical elements resting uncomfortably on a void.

**CD73 To resist open shopfronts.**

4.6.8 Exceptions may be made where this would allow the provision of an open air restaurant facility, and where nearby residents would not be disturbed or pedestrians obstructed.

4.6.9 The under-use of the upper floors of retail premises is of concern to the Council, particularly where the lawful use is for residential purposes. Often the lack of separate access prevents the use of upper floors. The policy below aims to prevent the removal of separate access and to seek its reinstatement where possible. Exceptions may be made only where adequate alternative means of separate access is provided or where justified for security reasons.

**CD74 To resist new shopfronts which would involve the removal of existing separate access to residential accommodation or preclude the restoration of such access if already removed, and to seek, where possible, the reinstatement of such access.**

4.6.10 Shopping centres are public places and therefore it is particularly important that high street premises are accessible to all. Easy access for people with special mobility needs, both into and within buildings, is generally beneficial to all shoppers. Retailers and developers are referred to Part M of the Building Regulations and to the shopfront design guides produced by the Council.

**CD75 To require where appropriate that shopfront premises are accessible to people with special mobility needs, including level access and appropriate door widths into the building.**

**Advertisements**

4.6.11 The Council considers it important to control signs and advertisements since, if insensitively handled in size, design and siting, they can detrimentally affect amenity by causing harm to the character and appearance of buildings and streets and add clutter and visual confusion to the street scene.

**CD76 To resist advertisements if:**

- a) **by reason of size, siting, design, materials or illumination they would harm the appearance of a building or the street scene; or**
- b) **they would adversely affect public safety.**

4.6.12 Certain types of advertisements can cause particular harm to the appearance of buildings and the street scene, and the Council will therefore discourage the following: freestanding advertisements on forecourts, signs or advertisements above fascia level, and more than one projecting sign per shop unit. The Council will exercise firm control over advertisements in conservation areas and on listed buildings. Illuminated box signs are particularly inappropriate in these areas and on such buildings.

4.6.13 Projecting signs should be located at fascia level and should not damage original mouldings or console brackets. Size, design and illumination will be carefully controlled.

**Blinds, Awnings and Flags**

4.6.14 The Council considers that it is important to control blinds, awnings and flags because, if poorly designed or over-prominent, they can detract from the appearance of buildings and be obtrusive features in the street scene.

**CD77 To permit awnings or blinds which are in character with the age and style of the building in which they are situated.**

4.6.15 Permission will only be granted for blinds which have no adverse impact on the quality of the street scene. Curved rigid-framed blinds will generally be discouraged and will not usually be acceptable in conservation areas or on listed buildings.

4.6.16 Bright, fluorescent, glossy or metallic finish blinds, and those which obscure fascias will generally be discouraged.

4.6.17 Blinds will generally not be permitted above first floor sill level.

4.6.18 Flagpoles in limited numbers can be a lively feature in commercial streets. However, the street scene may be harmed by an uncontrolled proliferation of flags. This is particularly so in predominantly residential areas.

Conservation  
& Development

**CD78 To permit flagpoles unless their siting would harm the character of an area or would not preserve or enhance the character and appearance of a conservation area.**

#### **Hoardings**

4.6.19 Advertisement hoardings, either free-standing or attached to buildings, are generally considered to be unacceptable as permanent features of the street scene as they detract from townscape quality.

**CD79 To resist the erection of permanent hoardings.**

4.6.20 Temporary hoardings may be approved where they can be advantageously used for screening of building sites or land which is unsightly and where such hoardings would not in themselves be injurious to amenity or constitute a danger to public safety. In the case of buildings in need of refurbishment, consent for an advertising hoarding will only be granted when a contract has been let for the works.

#### **Estate Agents' Boards**

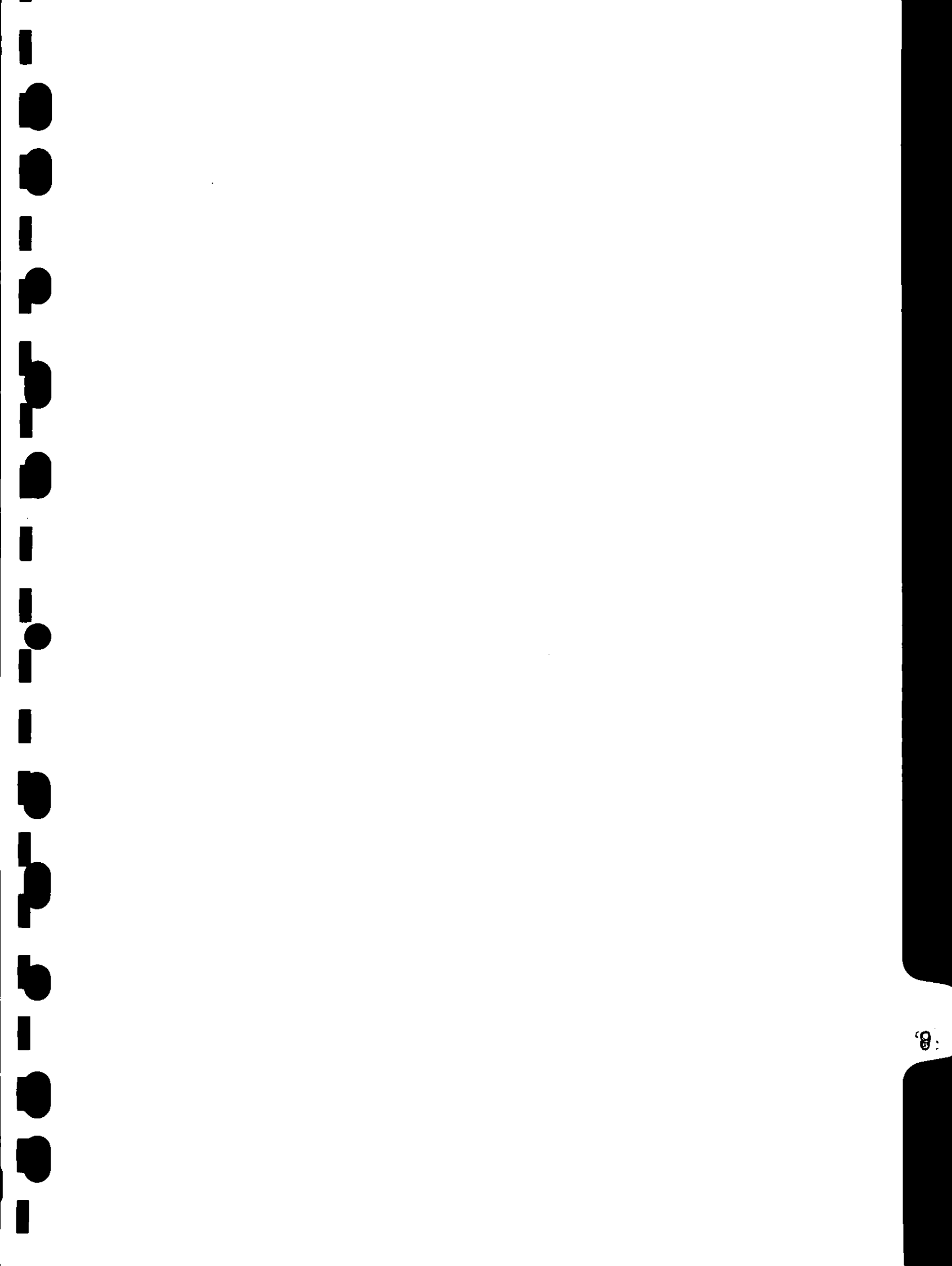
4.6.21 The proliferation of estate agents' boards in the Borough has been curbed through the identification of areas where they may not be displayed without express consent. Within these areas, advertisement consent will be required for any estate agent's board. These areas, subject to the Secretary of State's direction, will be periodically reviewed. Agents are advised to check with the local planning authority whether or not an area is subject to special controls before erecting boards.

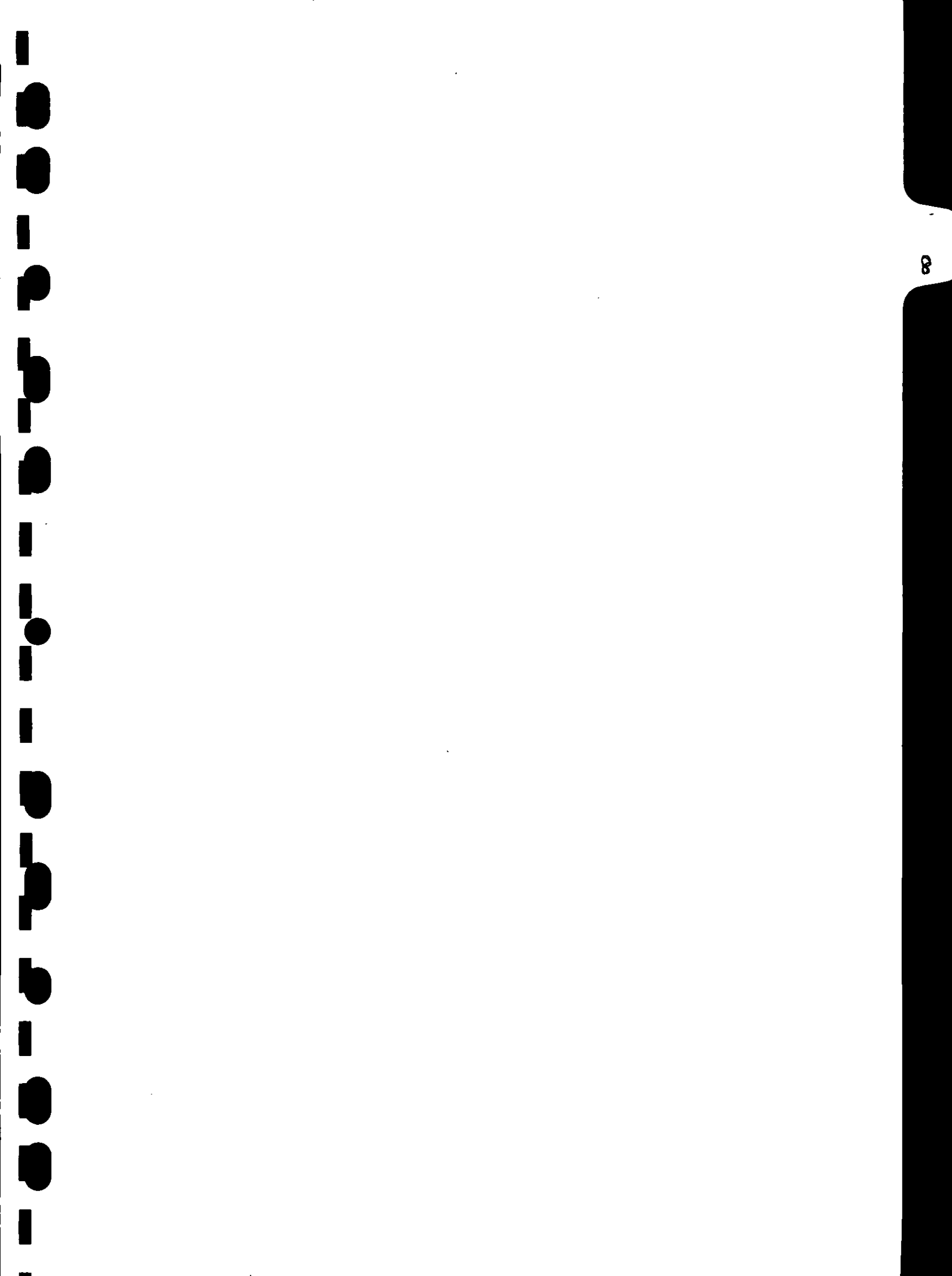
### **4.7 TREES**

(See also Planning Standards Chapter)

4.7.1 Trees in cities are a valuable amenity which once removed can rarely be adequately replaced; it is often only when a tree has been removed, that its value becomes apparent. Trees act as screens; they provide privacy and mask unwelcome views. Trees are valuable as contrast and relief to bricks and mortar and can be complementary to new developments. Trees act as barriers to wind and noise and as a filter to pollution. They are also a wildlife resource. The following section reflects the duty placed on local authorities, under section 197 of the Act, to include appropriate provision for the preservation and planting of trees by the imposition of planning conditions in granting planning permission.

**CD80 To resist development proposals that would result in unnecessary damage or loss of trees.**





Awnings or blinds are only acceptable if they are in character with the age and style of the building in which they are situated. Proposals for 'Dutch' blinds, blinds with sides, blinds made from a shiny material, and projecting boxes will be resisted. (ref. UDP CD69)

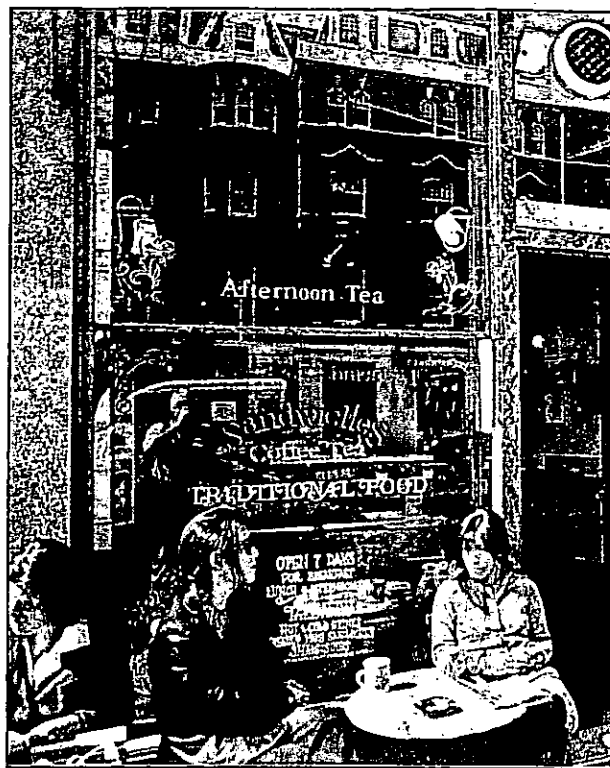
## Advertisements

Good graphics and signs add interest and vitality to the retail scene. In the traditional street scene graphics are generally confined to the fascia signs, to projecting sign boards suspended from a wrought iron bracket and occasionally to the glass of the shop window, and to canopy awnings, although other imaginative applications of the past may also be found.

In the classical tradition original fascias are quite narrow, presenting a fine, elegant band over the shop window, and projecting signs are inevitably small. Although relatively small by comparison, the use of sharp graphic techniques such as gold, white or a light-coloured lettering, set against a deep contrasting colour, results in a clarity unequalled by much larger modern examples. Often glass was used in the signs, with the lettering being applied as gold leaf to the back of the glass or incised into the backing. The glass presents a high gloss finish which catches the sunlight in a manner quite different from the plastic sheen of modern alternatives.

Where there is an original fascia, advertisements will be required to be in keeping with the original details and the shopfront surround in size, form and detail; they should not project beyond the face of the fascia; nor should they obscure the details of any corbel brackets, window details or other adjacent features. Where there is no fascia sign the use of individual letters fixed to the masonry above the shop window will usually present the most appropriate solution. (ref. UDP CD63)

Advertisements will normally be resisted if they would add clutter and confusion to the appearance of a building or to the townscape as a result of their size, siting, design, materials or illumination, or if they would adversely affect public safety. They should not be sited above fascia level nor should there be more than one projecting sign per shop unit. Free-standing advertisements on the forecourt will also be resisted. (ref. UDP CD68)



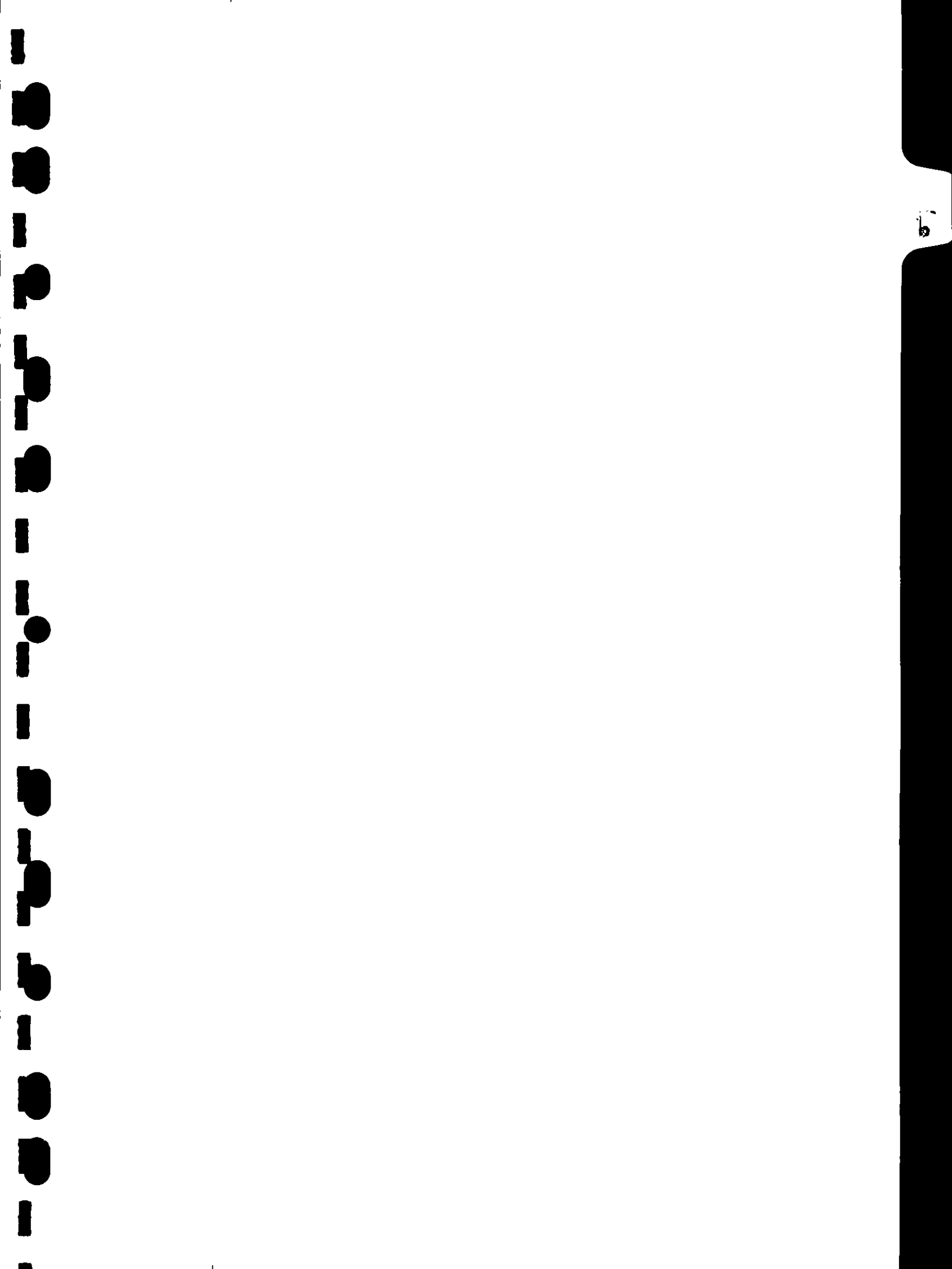
**15** 13C Exhibition Road: Traditional hand-painted lettering on shop windows can provide an interesting supplement to fascia graphics.

## Materials

Much of the character of the Borough is derived from the use of traditional materials including stucco, brick, stone and terracotta, with glass and timber windows. Within the shopfront surround it is possible to introduce more modern materials without affecting this character detrimentally. Brass and gun metal were widely used for shopfronts in the Edwardian period. Stainless steel and powder coated aluminium have been successfully used in modern times. However, modern materials will usually be expected to be confined to the shopfront itself, and not extend to the fascia or the structural surround, where their alien nature may clash with adjacent features, detracting from the character of the area. All materials used must also be durable, capable of being maintained in the condition in which they were supplied.

The use of modern materials within the shopfront surround as part of a modern design of shopfront is generally welcomed by the Council, provided that they are durable.







contemporary or traditional in style, will be preferred to large over-stylised displays. On buildings of architectural merit or historic interest signage could be fixed internally behind the shop screen as at British Home Stores in the former Derry and Toms building

### GENERAL SIGNAGE

To prevent street clutter, all signage should be kept below first floor level and should be a co-ordinated part of the shopfront design. No more than one projecting sign per shop unit will be permitted. Acceptable sizes and location of projecting signs are shown in diagram 9.

EACH SHOPFRONT SHOULD CLEARLY DISPLAY ITS STREET NUMBER.

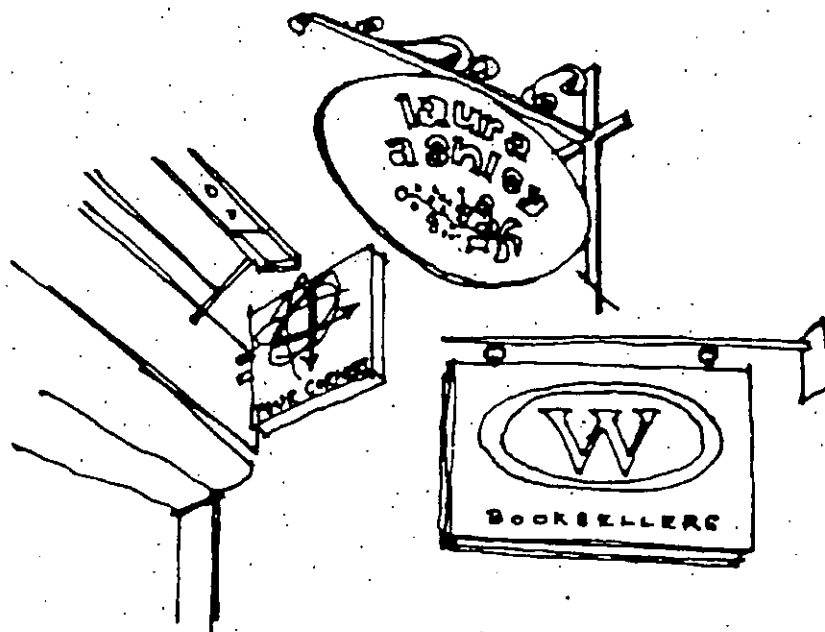


Diagram 9. Projecting Signs

### ILLUMINATION OF SIGNAGE

Internally illuminated box signs are a crude method of illumination. Fascia and projecting box signs can obscure the architectural features of the surround. Console brackets, architraves and cornices are often removed to allow the installation of box signs. This practice is no longer acceptable.

Front-lit fascias (where fascias are washed by carefully directed light beams), back-lit letters, (where the background is blacked out) or halo-lit (where the letters stand proud of the fascia and are individually illuminated) are more subtle and equally practical lighting solutions. All cables should be concealed and mounting brackets should be carefully fixed so as not to disturb architectural features.

Delicate neon tubing can be acceptable if it fits comfortably within the fascia. Neon signage must complement the design of the shopfront and the materials and style of the building. Neon tubing will only be permitted when these criteria are clearly satisfied.







KASSADIS  
 Ladies & Gentlemen  
 HAIRDRESSERS  
 071-937 6631  
 Esthetician  
 BEAUTY SALON  
 071-937 1999

CLINIC  
 CONTACT LENSES  
 OPTIC  
 (TEL. 011-376 1947)

BEAK HOUSES

AMERICAN EXPRESS

DAVID

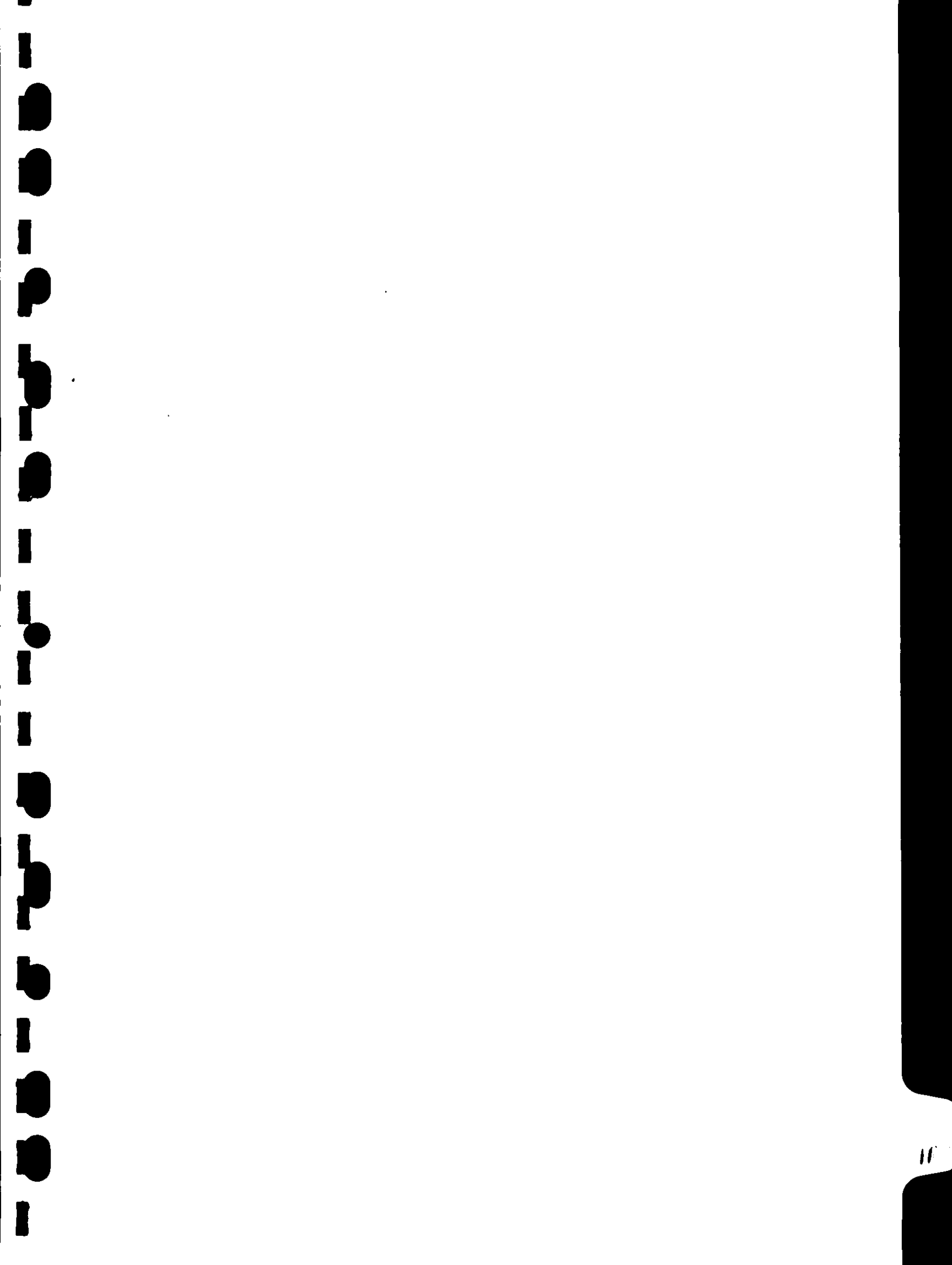
CONTACT LENSES OPTIC

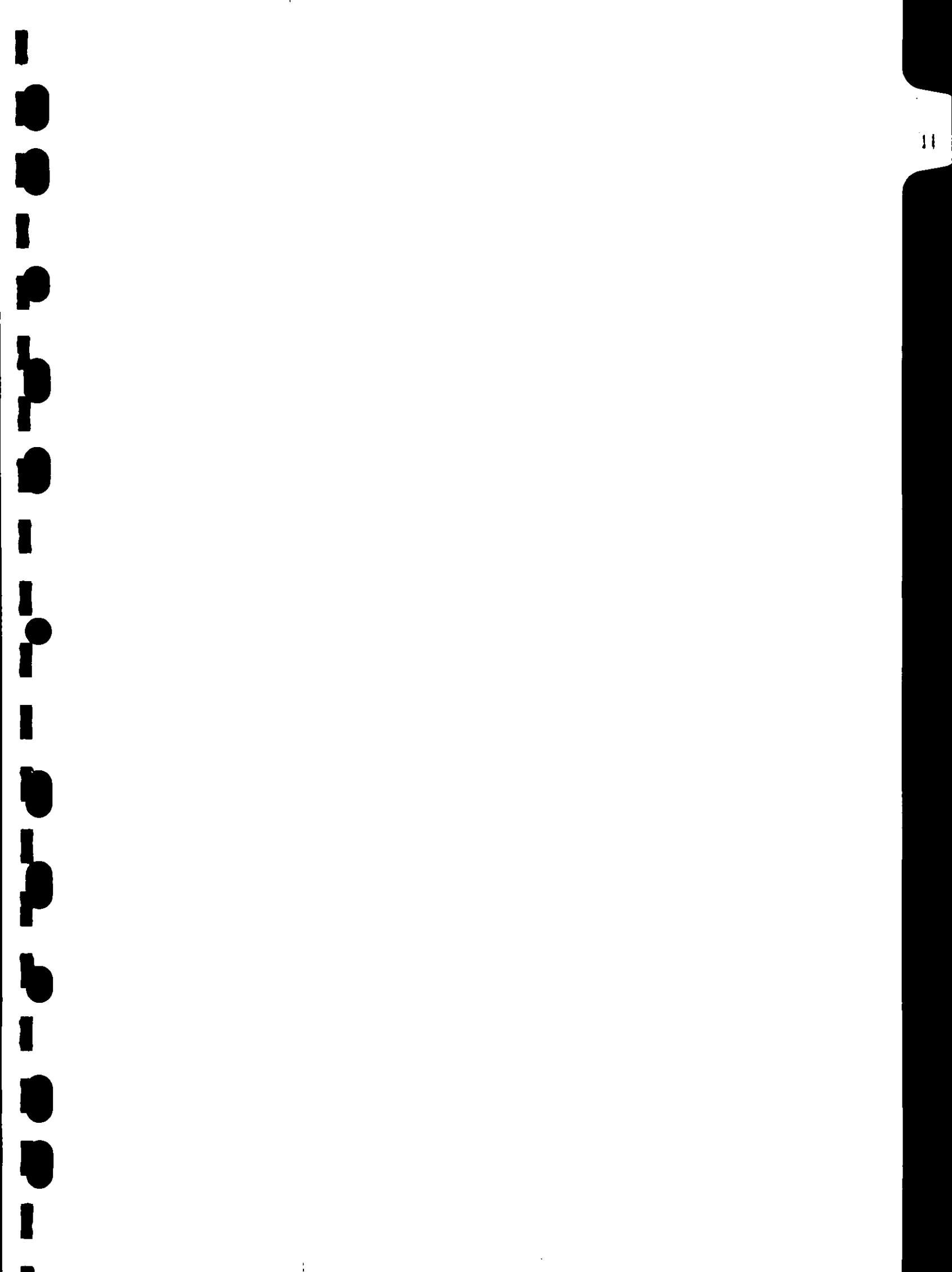
BEAK HOUSES

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 50% OFF



CA 175





**PLANNING AND CONSERVATION**

**THE TOWN HALL HORNTON STREET LONDON W8 7NX**

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

**Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS**

**FILE COPY**

1 Direct Line: 020-7361-2733

Extension: 2733

Facsimile: 020-7361-3463

Switchboard: 020-7937-5464

Date: 12/11/2003

Please ask for: Mr. J. Morrow

My Ref: DPS/DCC/CA/03/01753

ODPM's Reference: App/K5600/ H/03/1129541

Dear Sir/Madam,

**TOWN & COUNTRY PLANNING (CONTROL OF ADVERTISEMENT) REGS. 1992**

**Notice of an Advertisement Appeal relating to: 84 Kensington High Street, London, W8 4SG**

An Advertisement appeal has been made to the Planning Inspectorate in respect of the above property. The appeal will be heard at an **ADVERTISEMENT HEARING** by an Officer from the Planning Inspectorate, which will take place on **11/12/2003, at 10.00 am in Committee Room G, The Town Hall, Hornton Street, Kensington, W.8.** This appeal is against the Council's decision to refuse control of advertisement consent for:

Retention of internally illuminated shop signage to the street elevation at ground and first floor levels.

As a local resident or interested party, you may attend the Hearing and, at the discretion of the Officer, make representations. You may also make representations, in writing to:  
**The Planning Inspectorate, 3/17 Eagle Wing, Temple Quay House, 2 The Square,  
Temple Quay, Bristol BS1 6PN**

Please quote the ODPM's reference given above and send all representations at least **21 days** before the Hearing. Correspondence will only be acknowledged on request. Any representations will be copied to all parties including the Officer dealing with the appeal and the Appellant.

The Council's reasons for refusal, the Appellant's grounds of appeal and the Council's written statement may be inspected in the Planning Information Office at the Town Hall (**please telephone ahead in order to ensure that these are available**). Please note that the Inspectorate will only forward a copy of the Officer's decision letter to those who request one. If you have any further queries, 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**





Illegible vertical text on the left margin, possibly bleed-through from the reverse side of the page.

PERSONS NOTIFIED OF APPEAL CA/03/01753

1. FILE COPY 1
2. MISS A EDWARDS 54 IFIELD ROAD LONDONSW10 9AD
3. Mrs Ethne Rudd THE KENSINGTON SOCIETY 15 Kensington SquareLONDON W8 5HH
4. COUNCILLOR TIM AHERN 5 CAMPDEN HILL SQUARE LONDONW8 7LB
5. THE WORSHIPFUL THE MAYOR THE MAYOR'S PARLOUR THE TOWN HALLHORNTON STREET LONDON W8 7NX
6. COUNCILLOR ROBERT J FREEMAN THE TOWN HALL HORNTON STREETLONDON W8 7NX
7. THE MANAGER THE BASEMENT CLUB BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
8. THE MANAGER BST/GROUND FLOOR SHOP BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
9. THE MANAGER UNIT 1: BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
10. THE MANAGER UNIT 2: BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
11. THE MANAGER UNIT 3: BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
12. THE MANAGER UNIT 4: BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
13. THE MANAGER UNIT 5: BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
14. THE MANAGER UNIT 7: BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
15. THE MANAGER UNIT 8-9: BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
16. THE MANAGER UNIT 6a- 6b: BARKERS ARCADE63/97 KENSINGTON HIGH STREET LONDON W8 5SF
17. THE MANAGER 1ST FLOOR FRONT OFFICES,80 KENSINGTON HIGH

STREETLONDON W8 4SG

18. THE MANAGER 1ST FLOOR REAR OFFICES 80 KENSINGTON HIGH STREETLONDON W8 4SG

19. THE MANAGER GROUND FLOOR SHOP 80 KENSINGTON HIGH STREETLONDON W8 4SG

20. THE MANAGER 2ND FLOOR OFFICE 80 KENSINGTON HIGH STREETLONDON W8 4SG

21. THE OCCUPIER 3RD FLOOR FLAT 80 KENSINGTON HIGH STREETLONDON W8 4SG

23. THE MANAGER 3RD FLOOR OFFICE 82 KENSINGTON HIGH STREETLONDON W8 4SG

24. THE MANAGER 2ND FLOOR OFFICE 82 KENSINGTON HIGH STREETLONDON W8 4SG

25. THE MANAGER 1ST FLOOR OFFICE 82 KENSINGTON HIGH STREETLONDON W8 4SG

26. THE MANAGER GROUND FLOOR SHOP 82 KENSINGTON HIGH STREETLONDON W8 4SG

27. THE MANAGER GROUND FLOOR SHOP 84 KENSINGTON HIGH STREETLONDON W8 4SG

28. THE MANAGER 2ND FLOOR OFFICE 84 KENSINGTON HIGH STREETLONDON W8 4SG

29. THE MANAGER 3RD FLOOR OFFICE 84 KENSINGTON HIGH STREETLONDON W8 4SG

30. THE MANAGER BAR/RESTAURANT 86 KENSINGTON HIGH STREETLONDON W8 4SG

31. THE MANAGER THE SHOP 88/90 KENSINGTON HIGH STREETLONDON W8 4SG

# APPEAL

TO: Paul Kelsey  
DATE RECEIVED: 10/10/2003

FROM: RAG  
EXTN: 2081

APPEAL  
CASE OFFICER: Mr. J. Morrow

APPEAL  
ADMIN OFFICER: *RAG*

OUR REF:  
CA/03/01753

ODPM REF:  
App/K5600/H/03/1129541

ADDRESS: 84 Kensington High Street, London, W8 4SG

Description: Retention of internally illuminated shop signage to the street elevation at ground and first floor levels.

---

REASON FOR APPEAL: CAR

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN  
REPRESENTATIONS

INFORMAL  
HEARING

PUBLIC  
INQUIRY

---

START DATE OF APPEAL \_\_\_\_\_

3rd PARTY LETTERS DUE: 20<sup>th</sup> Nov' 03 SENT: 12/11/03

QUESTIONNAIRE DUE: N/A SENT: N/A

~~WRITTEN REPS STAT DUE: \_\_\_\_\_~~ ~~SENT: \_\_\_\_\_~~

INFORMAL HEARING STAT DUE: 13.11.03 SENT: 12/11/03

PUBLIC INQUIRY RULE 6/8 DUE: \_\_\_\_\_ SENT: \_\_\_\_\_

PROOF EXCHANGE DUE: \_\_\_\_\_ SENT: \_\_\_\_\_

APPEALS TIMETABLE

ADMINISTRATION

Initials

Time  
Hours

Cost  
LAWJ

- (1) Notification of appeal to third parties
- (2) Pre Statement Inquiry/hearing
- (3) Preparation of Statement and Documentation
- (4) Notification of appeal decision

CASE OFFICER

- (1) Preparation /
- (2) Meeting      Legal  
                    Counsel  
                    Transportation  
                    Design  
                    Policy  
                    BEHO  
                    Other Parties

- (3) Statement
- (4) Public Inquiry/Local Hearing

Policy      Preparation  
                    Meetings  
                    Statement if applicable

Design      Preparation  
                    Meetings  
                    Statement if applicable

Transportation      Preparation  
                    Meetings  
                    Statement if applicable

# PLANNING SERVICES APPLICATION

## CONSULTATION SHEET

### APPLICANT:

Gevdet Mehmet,  
Flat 1,  
62 Lowther Hill,  
London  
SE23 1PY

APPLICATION NO: CA/03/01753

APPLICATION DATED: 11/08/2003

DATE ACKNOWLEDGED: 26 August 2003

APPLICATION COMPLETE: 20/08/2003

DATE TO BE DECIDED BY: 15/10/2003

SITE: 84 Kensington High Street, London, W8 4SG

PROPOSAL: Shop signage to front street elevation at ground and first floor levels.

### ADDRESSES TO BE CONSULTED

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
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- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

### 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 ....

*cbp*