

## Other Documents

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Part 18

PLANNING SERVICES APPLICATION

CONSULTATION SHEET

APPLICANT:

GVA Grimley,
10 Stratton Street,
London
W1X 6JR

APPLICATION NO: PP/01/00637

APPLICATION DATED: 21/03/2001

DATE ACKNOWLEDGED: 26 March 2001

APPLICATION COMPLETE: 26/03/2001

DATE TO BE DECIDED BY: 21/05/2001

SITE: 40 Ovington Street, London, SW3 2JB

PROPOSAL: Creation of glazed lightwell infill on rear elevation.

ADDRESSES TO BE CONSULTED

- 1. 38, 40, 42 OVINGTON STREET
2.
3.
4. + any objections to
5. PP/01/1956
6.
7.
8.
9.
10.
11.
12.
13.
14.
15.

Handwritten notes: (3) CBB 27/3

CONSULT STATUTORILY

- HBMC Listed Buildings
HBMC Setting of Buildings Grade I or II
HBMC Demolition in Conservation 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
The Environment Agency
Thames Water
Crossrail
LRT/Chelsea-Hackney Line
Victorian Society

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
Govt Office for London
Twentieth Century Society

Handwritten notes: checkmarks and CBB 27/3 KR

Royal Borough of Kensington and Chelsea  
GGP Point in Polygon Search Results  
Corporate Land and Property Gazetteer  
Buildings and their Units

Building	38	Ovington Street	SW3 2JB
Building	40	Ovington Street	SW3 2JB
Building	42	Ovington Street	SW3 2JB

Total Number of Buildings and Units Found 3

# DEVELOPMENT CONTROL TECHNICAL INFORMATION

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

ADDRESS 40 OVINGTON STREET

POLLING DISTRICT RA

- |     |  |        |  |
|-----|--|--------|--|
| 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							
/	II		K64					✓									✓

	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:**  
 \* SYSTEMS \*  
 EH DO NOT  
 NEED TO BE  
 NOTIFIED.  
 Brian.  
 26/03/01.

40 OVINGTON STREET

Property Card N° : 0617 033 00

Sitename :  
 Comment :  
 TP Arch/History : H 13085  
 See Also :

PP010637

Xref :  
 Notes :

---

 TP No PP/00/1956 Brief Description of Proposal 1 of 2

ERECTION OF ROOF EXTENSION, REMODELLING OF EXISTING CLOSET  
 WING, FENESTRATION ALTERATIONS AND ERECTION OF REAR  
 CONSERVATORY WITHIN LIGHTWELL.

Received 09/08/2000 Decision & Date  
 Complettd 11/08/2000 Conditional 05/10/2000  
 Revised 28/09/2000

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 TP No LB/00/1957 Brief Description of Proposal 2 of 2

ERECTION OF ROOF EXTENSION, REMODELLING OF EXISTING CLOSET  
 WING, FENESTRATION ALTERATIONS, ERECTION OF REAR  
 CONSERVATORY WITHIN LIGHTWELL AND INTERNAL ALTERATIONS.

Received 09/08/2000 Decision & Date  
 Complettd 11/08/2000 Conditional 05/10/2000  
 Revised 28/09/2000 LBC

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

FOR OFFICIAL USE ONLY  
Date received

# PLANNING APPEAL

The appeal must reach the Inspectorate within 6 months of the date of the notice of the Local Planning Authority's decision, or within 6 months of the date by which they should have decided the application.

<b>A. INFORMATION ABOUT THE APPELLANT(S)</b>	
Full Name: MS. HELEN GREEN	
Address: N/A	
Postcode: <i>Failure to provide the postcode may cause delay in processing your appeal.</i>	
<b>COPY</b>	
Daytime Telephone No: Fax No:	
Agent's Name (if appropriate): GVA GRIMLEY	
Agent's Address: 10. STRATTON STREET	
LONDON	
Postcode: WLX 6JR Reference: JON DINGLE	
<i>Failure to provide the postcode may cause delay in processing your appeal.</i>	
Daytime Telephone No: 020 7911 2331 Fax No: 020 7911 2560	
<b>B. DETAILS OF THE APPEAL</b>	
Name of the Local Planning Authority (LPA): ROYAL BOROUGH OF KENSINGTON & CHELSEA	
Description of the Development: TO MODIFY THE APPROVED CONSERVATORY TO PROVIDE A GLAZED LIGHTWELL INFILL, WITHIN THE CONFINES OF THE APPROVED SCHEME	
Address of the Site: 40 OVINGTON STREET LONDON SW3 2JB Postcode: <i>Failure to provide the postcode may cause delay in processing your appeal.</i>	National Grid Reference (see key on OS map for Instructions). Grid Letters: Grid Numbers eg TQ:298407 527520, 178957
Date and LPA reference number of the application you made and which is now the subject of this appeal: DPS/DCSE/PP/01/00637	Date of LPA notice of decision (if any): 17 MAY 2001
Are there any outstanding appeals for this site eg Enforcement, Lawful Development Certificate etc? If so please give details and any Planning Inspectorate reference number here: N/A	

**C. REASON FOR THE APPEAL**

THIS APPEAL IS AGAINST the decision of the LPA:-

(\*Delete as appropriate)

(✓)

- 1. to \*refuse/grant subject to conditions, planning permission for the development described in Section B.
  - 2. to \*refuse/grant subject to conditions, approval of the matters reserved under an outline planning permission.
  - 3. to refuse to approve any matter (other than those mentioned in 2 above) required by a condition on a planning permission.
- Or the failure of the LPA:-**
- 4. to give notice of its decision within the appropriate period on an application for permission or approval.

**D. CHOICE OF PROCEDURE**

**CHOOSE ONE OF THE FOLLOWING TYPES OF PROCEDURES** - Appeals decided by written representations are normally decided much quicker than by the hearing/inquiry method. For further information see the booklet "Making your planning appeal" which accompanied this form.

- 1. WRITTEN REPRESENTATIONS
- If you have chosen the written representations procedure, please tick if the whole site can clearly be seen from a road or other public land. (An unaccompanied site visit will be arranged if the Inspector can adequately view the site from public land.)
- 2. LOCAL INQUIRY Please give reasons why an inquiry is necessary .....
  - .....
  - 3. HEARING Although you may prefer a hearing, the Inspectorate must consider your appeal suitable.

**E. ESSENTIAL SUPPORTING DOCUMENTS**

A copy of each of the following should be enclosed with this form.

- 1. The application submitted to the LPA;
- 2. The site ownership details (Article 7 certificate) submitted to the LPA at application stage;
- 3. Plans, drawings and documents forming part of the application submitted to the LPA;
- 4. The LPA's decision notice (if any);
- 5. Other relevant correspondence with the LPA; please identify the correspondence by date or otherwise: .....
- 6. A plan showing the site in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS map). (Failure to submit this can delay your appeal).

Copies of the following should also be enclosed, if appropriate:

- 7. If the appeal concerns reserved matters, the relevant outline application, plans submitted and the permission;
- 8. Any plans, drawings and documents sent to LPA but which do not form part of the submitted application (eg drawings for illustrative purposes);
- 9. Additional plans or drawings relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: .....

**F. APPEAL SITE OWNERSHIP DETAILS**

IMPORTANT: THE ACCOMPANYING NOTES SHOULD BE READ BEFORE THE APPROPRIATE CERTIFICATE IS COMPLETED. CERTIFICATES A AND B ARE GIVEN BELOW. IF NEEDED, CERTIFICATES C AND D ARE ATTACHED TO THE GUIDANCE NOTES

**SITE OWNERSHIP CERTIFICATES**

PLEASE DELETE INAPPROPRIATE WORDING WHERE INDICATED (\*) AND STRIKE OUT INAPPLICABLE CERTIFICATE

**CERTIFICATE A**

I certify that:

On the day 21 days before the date of this appeal nobody, except the appellant, was the owner (see Note (i) of the guidance notes) of any part of the land to which the appeal relates.

**OR**

**CERTIFICATE B**

I certify that:

~~I have/the appellant has \*given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the guidance notes) of any part of the land to which the appeal relates, as listed below.~~

~~Owner's Name                      Address at which notice was served                      Date on which notice was served~~

I further certify that:

**AGRICULTURAL HOLDINGS CERTIFICATE (TO BE COMPLETED IN ALL CASES WHERE A, B, C OR D OWNERSHIP CERTIFICATE HAS BEEN COMPLETED)**

\*• None of the land to which the appeal relates is, or is part of, an agricultural holding.

**OR**

\*• ~~I have/the appellant has \*given the requisite notice to every person other than my/him/her\*self who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as follows:~~

~~Tenant's Name                      Address at which notice was served                      Date on which notice was served~~

N/A

\* Delete as appropriate. If the appellant is the sole agricultural tenant the first alternative should be deleted and "not applicable" should be inserted below the second alternative.

Signed..... GVA Grimley ..... (on behalf of) ..... MS. HELEN GREEN .....

Name (in capitals) ..... GVA GRIMLEY ..... Date 30/5/01 .....



**G. GROUNDS OF APPEAL** If the written procedure is requested, the appellant's FULL STATEMENT OF CASE MUST be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

SEE COVERING LETTER

PLEASE SIGN BELOW

I confirm that a copy of this appeal form and any supporting documents relating to the application not previously sent to the LPA has been sent to them. I undertake that any future documents submitted in connection with this appeal will also be copied to the local planning authority at the same time.

Signed GVA Grimley (on behalf of) MS. HELEN GREEN

Name (in capitals) GVA GRIMLEY Date 30/5/01

The Planning Inspectorate is registered under the Data Protection Act 1984, so that we may hold information supplied by you on our computer system for the purpose of processing this appeal.

**CHECKLIST - Please check this list thoroughly to avoid delay in the processing of your appeal.**

- This form signed and fully completed.
- Any relevant documents listed at Section E enclosed.
- Full grounds of appeal/outline of case set out at Section G.
- Relevant ownership certificate A, B, C or D completed and signed.
- Agricultural Holdings Certificate completed and signed.

- ◆ **1ST COPY: Send one copy of the appeal form** with all the supporting documents to  
The Planning Inspectorate  
Appeals Registry  
Tollgate House  
Houlton Street  
BRISTOL  
BS2 9DJ
- ◆ **2ND COPY: Send one copy to the LPA**, at the address from which the decision on the application (or any acknowledgments, etc) was received, enclosing any supporting documents not previously submitted to them as part of the application.

Our Ref.: NDL/MJO/02a087187  
Your Ref.:

30 May 2001

Planning Inspectorate  
Appeals Registry  
Temple Quay House  
2 The Square  
Temple Quay  
BRISTOL  
BS1 6PN

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
31 MAY 2001							
APP	IO	REC	AHB	FWD PLN	CON DES	FEES	

# GVA Grimley

International Property Advisers

10 Stratton Street  
London W1J 8JR  
Telephone 0870 900 89 90  
Facsimile 020 7911 2560  
www.gvagrimley.co.uk

Direct Line 020 7911 2331  
mjo@gvagrimley.co.uk

# COPY

Dear Sir

## PLANNING & LISTED BUILDING APPEALS, 40 OVINGTON STREET, LONDON, SW3 2JB

We have been instructed by our client, Ms Helen Green, to submit two appeals, firstly under Section 78 of the Town and Country Planning Act 1990, against a refusal of planning permission by the Council of the Royal Borough of Kensington and Chelsea (Appeal A); and secondly under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990, against a refusal of listed building consent by the same Council (Appeal B). The appeals are made in respect of the following:

- Planning and Listed building applications to modify the approved conservatory, to provide a glazed infill lightwell within the confines of the approved scheme.

Accordingly, please find enclosed the following in respect of each appeal:

- Planning Appeal form;
- Certificate A;
- Copy of the application submitted to LPA and related information.
- Site Location Plan (1:1250 scale)

We consider that the written representations procedure is appropriate given that the appeals do not raise complex policy and site specific issues.

Whilst we do not set out a full statement of case in this letter, we do provide the grounds for appeal and the reasons why the appeals should be allowed. The full statement, which will expand upon the reasons set out in this letter, will be submitted shortly.

The Council refused the planning and listed building applications on 17 May 2001. The reasons for refusal are as follows:

*"By reason of its location significantly above garden level, the proposed glazed infill extension is considered to introduce an alien feature at this level, removing an original window and having an overbearing impact on the rear facade. This would be detrimental to the character and appearance of the property, the terrace of which it forms part and the surrounding Conservation Area and would be contrary to policies contained within the Conservation and Development Character of the UDP, particularly Policies CD25, CD41, CD48, CD52 and CD53."*

On 5 October 2000 the Council granted the relevant consents for the erection of a roof extension, remodelling of the existing closet wing, fenestration alterations, internal alterations and the erection of a rear conservatory within the lightwell to the rear of the property.

The applications submitted subsequently, on 22 March 2001, which form the subject of these appeals, proposed the creation of a moderate glazed infill in addition to the scheme already permitted.

The property at 40 Ovington Street was built in the early to mid nineteenth century, and is listed by virtue of its group value. The building, although listed, is capable of sustaining a certain degree of sensitive modification. Incremental alterations to the terrace have detracted from the original street layout, which has had to a certain degree, had a detrimental impact on the appearance of the terrace.

The appeal proposal has been sensitively designed and the frameless glazed structure would have little, if any, noticeable impact on the character or appearance of the rear of the group of properties on Ovington Street. Equally, by virtue of its sensitive design, it is not considered that the proposal will affect the function and appearance of the surrounding Conservation Area or the amenity enjoyed by residents of nearby properties.

We consider that the proposal accords with Policy **CD25** of the adopted Royal Borough of Kensington and Chelsea UDP, which sets out development standards within the Borough. The proposal is to a high standard of design and is sensitive and compatible with the scale, height, bulk and character of the surroundings.

We consider that the proposal accords with policy **CD41** of the UDP, which requires rear extensions to buildings to be generally subordinate to the front, with a simple dignity and harmony, which makes it attractive. In addition, the extension would not extend rearward beyond the general rear building line of any neighbouring extensions; it would not reduce garden space or amenity value; it would not rise above the general height of neighbouring extensions; it would be visually subordinate to the parent building; would not cause a cliff-like effect for the neighbouring property; would not spoil the rhythm of rear additions along the terrace; there would be no loss of amenity in terms of sunlight and daylight or overlooking to neighbouring dwellings; and, the design is considered to be in character being a lightweight, frameless construction and therefore visually unobtrusive.

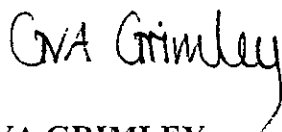
We consider that the proposal accords with UDP policies **CD52** and **CD53**, which ensure that changes within Conservation Areas are compatible with their surroundings.

It is not considered that the proposal will have a material impact on the group value of the listed properties.

In the light of the above, we consider that these appeals represent an acceptable addition to the rear of the building. The proposal accord with the adopted and emerging UDP policy.

Please contact either Jon Dingle or Mary-Jane O'Neill should you wish to discuss matters further.

Yours faithfully,



**GVA GRIMLEY**

✓ c.c. Executive Director, Planning and Conservation, Royal Borough of Kensington and Chelsea.

Enc.

**RBKC**  
**CONSERVATION & DESIGN**

**GRADE II LISTED BUILDINGS**  
**FORMAL OBSERVATIONS**

---

**Address:** 40, Ovington Street, SW3.

**Description:** Creation of glazed lightwell infill on rear elevation.

**Application No:** LB/01/00637.      **DC Case Officer:** JW.

**Drawing Nos:**      **CD Case Officer:** HSB.  
2011/01, 02, 03, 06A, 07A, 08A &  
12.

---

**Date: 9 May 2001.**

**Grant/Refuse:** REFUSE.

**Formal Observations:**

The property is a modest 19thc. townhouse, which forms part of a terraced row. The existing rear elevation is narrow in width, with a closet wing and lightwell following the solid-void rhythm of the terrace as a group.

The scheme proposed is the modification of an approved single storey conservatory, to create a double height glazed infill. (Ref. PP/00/01956).

The approved conservatory is a lightweight, frameless structure, to be built within a rear lightwell at basement level. The proposed modification would raise the glazed roof a full storey higher than the permitted design.

The new scheme also includes the removal of a 19thc. sash window on the rear elevation at ground floor level, to create an internal opening from the rear principle room, which would be regrettable.

The proposed new structure would dominate the 19thc. rear elevation in scale, proportion and materials to an unacceptable degree, which would be wholly unsympathetic to the appearance of the parent building.

It is considered that the scheme proposed would harm the special architectural and historic character of the building and is therefore unacceptable.

**Conditions:**

Signed: ..... *H. Lang Bell* .....

Date: *9 May 01* .....

Approved: ..... *David M. Drell* .....

Date: *10/5/01* .....

Other Notes:

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. Adrian Higson,  
Nilsson Design Ltd.,  
48 Old Church Street,  
LONDON, SW3 5BY.

Switchboard: 020 7937 5464  
Extension: 2944  
Direct Line: 020 7361-2944  
Facsimile: 020 7361 3463  
Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

24 April 2001

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Higson,

**40 Ovington Street, S.W.3.**

Thank you for your letter of 11 April regarding correspondence which you have received from Mr. Bromovsky about the above property. I have to confirm your comments that the issues raised are not relevant planning matters and therefore I am unable to take any further action. Thank you for your comments.

Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.

Eddie please advise me what this is about



NILSSON DESIGN

PC Ack / EA  
10/4

BC / EA  
no enforcement  
case.  
a draft reply  
attached

11/04/01

Our ref: ah/rbkc010411

F.A.O. M. J. French esq.  
Royal Borough of Kensington and Chelsea  
Planning and Conservation  
The Town Hall  
Hornton Street  
London  
W8 7NX

RECEIVED BY		DATE	
[Signature]		17 APR 2001	
102			
DES	IO	P	FEES

[Signature]  
These concerns  
non-planning  
issues raised in an  
adjoining owners response  
to a current application.

Dear Sirs,

**TOWN & COUNTRY PLANNING ACT 1990**  
**No. 40 OVINGTON STREET LONDON SW3**

We write in response to the letter addressed to you from Mr Francis Bromovsky of 4<sup>th</sup> April 2001 of which we received a copy.

Although the points raised in Mr Bromovsky's letter have no relevance to matters of Planning and the conservation of Listed Buildings, we felt that we should reply in order to address the inaccuracies contained within his letter.

It is true that the contractor we currently have on site at no. 40 commenced the placement of a scaffold on Mr Bromovsky's land without giving him proper notice as defined under the Party Wall etc. Act 1996. To say that the current works have had a 'total disregard for the Party Wall Act' is a most blatant untruth. Party Wall awards were concluded on the 16<sup>th</sup> March 2001 and allowed for, amongst other things, the building owner erecting scaffolding on or over the adjoining owners premises. The problem was one purely of notice and the final agreement of scaffold details. We have both apologised to Mr Bromovsky verbally and since then in writing for the contractor's failure to give adequate notice. We also gave the order to cease all works on Mr Bromovsky's property on the same day the work started as soon as we discovered the contractor had gone ahead prematurely.

The matter of a hole being knocked into Mr Bromovsky's house was caused by the removal of an area of defective plaster. The houses were at some stage interconnected and in the past the door opening had been infilled with poorly jointed blockwork less than 2" thick. We have made the hole good temporarily and undertaken to infill the opening to comply with Building Regulations for fire spread and sound transmission between buildings all at our expense.

We have done all we can to be reasonable and accommodate him as much as is possible. Both the client and ourselves have taken the time to meet with Mr Bromovsky to talk him through our proposals at which stage he stated that he had no problem with the current application and did not plan to object as it has little or no



impact upon his property. I was, therefore, surprised to read the contents of his recent letter.

We thank you for taking the time to consider our response. We are sure you understand that if we are accused wrongly of not abiding by the law, even of the accusation is made to the wrong parties, we have a duty to respond.

Please contact me if you would like to discuss matters further.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'AH' followed by a long, sweeping horizontal line that curves slightly upwards at the end.

**ADRIAN HIGSON**

**For and on behalf of Nilsson Design Ltd.**

Dear Sir,

Town and Country Planning Act 1990

40 Quinlan Street, Chelsea, SW3

Thank you for your letter dated 11<sup>th</sup> April concerning a letter received from Mr. Bronousky concerning the above property. As you say in your letter the issues raised are not relevant planning matters and do not warrant any further action. Thank you for your comments.

Yours faithfully



NILSSON DESIGN

PC → JW

11/04/01

Our ref: ah/rbkc010411

F.A.O. M. J. French esq.  
Royal Borough of Kensington and Chelsea  
Planning and Conservation  
The Town Hall  
Hornton Street  
London  
W8 7NX

RECEIVED BY

17 APR 2001

DES	IO	P	DES	FEES
-----	----	---	-----	------

Gyse

EJM  
17/4/01

Dear Sirs,

**TOWN & COUNTRY PLANNING ACT 1990**  
**No. 40 OVINGTON STREET LONDON SW3**

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We have done all we can to be reasonable and accommodate him as much as is possible. Both the client and ourselves have taken the time to meet with Mr Bromovsky to talk him through our proposals at which stage he stated that he had no problem with the current application and did not plan to object as it has little or no

impact upon his property. I was, therefore, surprised to read the contents of his recent letter.

We thank you for taking the time to consider our response. We are sure you understand that if we are accused wrongly of not abiding by the law, even of the accusation is made to the wrong parties, we have a duty to respond.

Please contact me if you would like to discuss matters further.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'AH' followed by a long, sweeping horizontal line that curves downwards at the end.

**ADRIAN HIGSON**

**For and on behalf of Nilsson Design Ltd.**

---

# HCA Design

MJ French  
Borough of Kensington and Chelsea  
The Town hall  
Hornton Street  
London W8 7NX

Peck / JW

4<sup>th</sup> April, 2001

Dear Sirs

Ref. DPS/DCSE/PP/01/00637/JW

I would like to voice strong opposition re the planning consent that has been given re 40 Ovington Street. There seems to be no precedent in the area to have a 2.7 meters rear extension (& to a height of 58.955) meters that should run alongside the party wall.

My Father who died in December was not in a fit mental state to object to the original plans and for a further planning application now to be put in the pipeline I find objectionable.

For your information the Architects Firm (Nilsson Design), has given the building Company permission to erect part of the scaffold in the Garden of 42 Ovington Street. The party wall agreement clearly states that any works that involves the neighbouring property clear intention must be put in writing plus approval must be sought by the owner of 42 Ovington Street. To date the scaffold still stands in the Garden of 42 Ovington Street although I have asked repeatedly asked for it to be taken down.

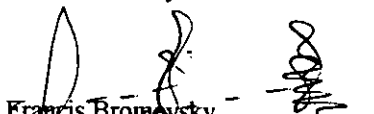
I think that the fact that the current works have so far had a total disregard for the party Wall Act I believe that any further planning approval should not be given. To date I still have not had any application in writing.

(For your further information a hole had been knocked through to our basement and to date (over a week) we are still waiting for an apology and more importantly for the damage/dust/infringement of our property to be rectified).

I believe Architects plus building Companies must adhere to the laws of the land and if they illegally infringe on neighbouring property there must be penalties to make them comply.

I hope that you will make the above complaint clear to the developers of 40 Ovington Street and I am sure you will take the above complaint seriously when weighing up further buildings consents.

Yours faithfully

  
Francis Bromovsky  
(Proprietor of 42 Ovington Street)

cc Wallace and Partners-Surveyors

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	G	SW	SE	ENR	RES
- 9 APR 2001						24	
IO	Rec			FWD PLN	CON DES	FEES	

E-J.M.  
9-4-01

The  
CUBE

14

Holland Street, London W8 4LT

#T 020 79382244

#F 020 79381920

Internet Address: <http://www.thecube.co.uk> E-mail Address: [info@the.cube.co.uk](mailto:info@the.cube.co.uk) VAT No. 539 0328 45

The Cube Collection Limited Registration Number: 2654623

# HCA Design

Jw

MJ French  
Borough of Kensington and Chelsea  
The Town hall  
Hornion Street  
London W8 7NX

R.B.K. & C.  
TOWN PLANNING  
5 APR 2001  
RECEIVED

E.J.M.  
6/4/01

4<sup>th</sup> April, 2001

Dear Sirs

Ref. DPS/DCSE/PP/01/00637/JW

I would like to voice strong opposition re the planning consent that has been given re 40 Ovington Street. There seems to be no precedent in the area to have a 2.7 meters rear extension (& to a height of 58.955) meters that should run alongside the party wall.

My Father who died in December was not in a fit mental state to object to the original plans and for a further planning application now to be put in the pipeline I find objectionable.

For your information the Architects Firm (Nilsson Design), has given the building Company permission to erect part of the scaffold in the Garden of 42 Ovington Street. The party wall agreement clearly states that any works that involves the neighbouring property clear intention must be put in writing plus approval must be sought by the owner of 42 Ovington Street. To date the scaffold still stands in the Garden of 42 Ovington Street although I have asked repeatedly, asked for it to be taken down.


I think that the fact that the current works have so far had a total disregard for the party Wall Act I believe that any further planning approval should not be given. To date I still have not had any application in writing.

(For your further information a hole had been knocked through to our basement and to date (over a week) we are still waiting for an apology and more importantly for the damage/dust/infringement of our property to be rectified).

I believe Architects plus building Companies must adhere to the laws of the land and if they illegally infringe on neighbouring property there must be penalties to make them comply.

I hope that you will make the above complaint clear to the developers of 40 Ovington Street and I am sure you will take the above complaint seriously when weighing up further buildings consents.

Yours faithfully

  
Francis Bromovsky  
(Proprietor of 42 Ovington Street)

cc Wallace and Partners-Surveyors

## The CUBE

14

Holland Street, London W8 4LT

#T 020 79382244

#F 020 79381920

Internet Address: <http://www.thecube.co.uk> E-mail Address: [info@the-cube.co.uk](mailto:info@the-cube.co.uk) VAT No. 539 0328 45

The Cube Collection Limited Registration Number: 2654623

TOTAL P. 01

Our Ref: NDL/MJO/02A087137



2 April 2001

International Property Advisers

J. Wade Esq.  
Planning and Conservation  
Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London  
W8 7NX

10 Stratton Street  
London W1X 6JR  
Telephone 0870 900 89 90  
Facsimile 020 7911 2560  
www.gvagrimley.co.uk

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
4 APR 2001							
99							
PLN	DES	FEE	PLN	CON	DES	FEE	

*P. Ack / JW*  
*283 / 414*

Dear Mr Wade

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**TOWN & COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988**  
**40 OVINGTON STREET, LONDON SW3**

It has come to our attention that four copies of an earlier draft of the planning statement were mistakenly submitted to the council on 22 March 2001. Following a telephone conversation with Brian Roche at the Royal Borough of Kensington and Chelsea planning department, I was advised to submit the correct drafts to you. Accordingly, please find enclosed four copies of the updated planning statements to replace the earlier drafts. I trust this is acceptable.

If you have any further comments please do not hesitate to contact either Jon Dingle or Mary-Jane O'Neill at these offices.

Yours sincerely,

**MARY-JANE O'NEILL BA (hons) MSc**  
**Planning Department**

Enc.

# NOTICE OF A PLANNING APPLICATION



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

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

- (a) for development of land in or adjacent to a Conservation Area.
- (d) for consent to demolition and/or alteration of a building which is of architectural or historic interest.

Details are set out below.

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

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

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

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

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

## SCHEDULE

Reference: PP/01/00637/JW

Date: 06/04/2001

**40 Ovington Street, London, SW3 2JB**

Creation of glazed lightwell infill on rear elevation.

**APPLICANT** Ms Helen Green



## REASON FOR DELAY

CASE NO. PP101/637

This case has been identified as a "Target" application, which has the target for being passed through to the Head of Development Control within 6 weeks of the date of completion.

In the case of this application, there has been a delay of.....

I have been unable to pass through the case within the target period for the following reason(s) [*highlight as necessary*]

- |   |   |
|---|---|
| 1) Delays due to internal Consultation<br><i>[highlight one or all]</i> | (i) Design<br>(ii) Transportation<br>(iii) Policy<br>(iv) Environmental Health<br>(v) Trees<br>(vi) Other |
|---|---|
- 
- 2) Further neighbour notification/external consultation necessary (spread or time period)
  - 3) Awaiting Direction from English Heritage/other EH delays...
  - 4) Revisions requested, but not received in time
  - 5) Revisions received but inadequate
  - 6) Revisions received but reconsultation necessary
  - 7) Of the Committee cycle
  - 8) Applicant's instruction
  - 9) OTHER REASON.....

Signed..... (Case Officer)

---

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

File copy

2079/ 2080

020-7361- 2079/ 2080

020-7937-5464

Switchboard:

Extension:

Direct Line:

Facsimile: 020-7361-3463

Date: 27 March 2001

---

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCSE/PP/01/00637/JW

Planning Information Office

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Proposed development at: 40 Ovington Street, London, SW3 2JB**

Brief details of the proposed development are set out below. Members of the public may inspect copies of the application, the plans and any other documents submitted with it. The Council's Planning Services Committee, in considering the proposal, welcomes comments either for or against the scheme. Anyone who wishes to make representations about the application should write to the Council at the above address **within 21 days** of the date of this letter. Unfortunately, the Council does not have the resources to advise objectors of the Committee date, and you should telephone for further information.

**Proposal for which permission is sought**

**Creation of glazed lightwell infill on rear elevation.**

**Applicant** Ms Helen Green n/a

Yours faithfully,

**M. J. FRENCH**

Executive Director, Planning and Conservation

### WHAT MATTERS CAN BE TAKEN INTO ACCOUNT

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

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

### WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT

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

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

### WHAT HAPPENS TO YOUR LETTER

Planning applications where objections have been received are presented to the Planning Services Committee which is made up of elected Ward Councillors. Planning Officers write a report to the Committee with a recommendation as to whether the application should be granted or refused. Letters received are summarised in the report, and copies can be seen by Councillors and members of the public including the applicant. The Councillors make the decisions and are not bound by the Planning Officer's recommendation. All meetings of the Committee are open to the public.

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

### WHERE TO SEE THE PLANS

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

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

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

***PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY***

## MEMORANDUM

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**TO: FOR FILE USE ONLY**

**From: EXECUTIVE DIRECTOR  
PLANNING & CONSERVATION**

---

**My Ref: PP/01/00637/JW**

**CODE 1D**

**Room No:**

---

**Date: 27 March 2001**

**DEVELOPMENT AT:**

**40 Ovington Street, London, SW3 2JB**

**DEVELOPMENT:**

**Creation of glazed lightwell infill on rear elevation.**

The above development is to be advertised under:-

1. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (development affecting the character or appearance of a Conservation Area or adjoining Conservation Area)
4. Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990 (applications for Listed building consent)

**M.J. French**

Executive Director, Planning & Conservation

Our Ref: NDL/MJO/02A087137

22 March 2001

International Property Advisers

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

10 Stratton Street  
London W1J 8JR  
Telephone 0870 900 89 90  
Facsimile 020 7911 2560  
www.gvagrimley.co.uk

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
26 MAR 2001							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Sirs

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**  
**TOWN & COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988**  
**40 OVINGTON STREET, LONDON SW3**

Our client, Ms Helen Green, has instructed us to submit planning and listed building applications to modify the approved conservatory, to provide a glazed infill lightwell within the confines of the approved scheme.

Accordingly please find enclosed the following documentation:

- Four copies of the planning and listed building application forms and Certificate A duly completed and signed;
- Four copies of a site location plan indicating, in red outline, the property to which this proposal relates (1:1250 scale);
- Four copies of a planning statement in support of these two applications.
- Four copies of each of the drawings for the planning and listed building applications:

Drawing No. 2011/01, *Plans as Existing*  
2011/02, *Elevations- as Existing & Location Plan*  
2011/03, *Sections as Existing*,  
2011/12, *Conservatory Lightwell Addition Proposed-  
Plans Elevations & Sections*

- A cheque for £95:00, made payable to the Royal Borough of Kensington and Chelsea, to cover the costs of the application fees.

The following drawings are submitted for information purposes only, which illustrate a previously permitted scheme:

PPU10637

Drawing No. 2011/06, Plans as Proposed, Revision A  
2011/07, Elevations as Proposed, Revision A  
2011/08, Sections as Proposed, Revision A

We can confirm that work commenced on the scheme on 5 March 2001, for which planning permission and listed building consent exists (Ref. PP/00/01956/CHSE). The application now submitted therefore proposes the creation of a glazed infill in addition to the conservatory already permitted.

If you have any further comments please do not hesitate to contact either Jon Dingle or Mary-Jane O'Neill at these offices.

Yours sincerely,



**GVA GRIMLEY**

Enc.



R.B.K. & C.  
TOWN PLANNING  
24 MAR 2001  
RECEIVED



JW



# The Planning Inspectorate

3/23 Hawk Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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

Direct Line 0117-3726253  
Switchboard 0117-3728000  
Fax No 0117-3728804  
GTN 1371-6253

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

Your Ref: DPS/DCSE/PP/01/00637  
Our Ref: APP/K5600/A/01/1066240  
APP/K5600/E/01/1066630  
Date: 10 September 2001

Dear Madam

**R.B.K.C PLANNING**

Received 12 SEP 2001 (35)

**TOWN & COUNTRY PLANNING ACT 1990  
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990  
APPEALS BY MS H GREEN  
SITE AT 40 OVINGTON ST, LONDON, LONDON, SW3 2JB**

Ex Die HDC TP CAC AD CLU  
ACT 1990 SW SE APPEALS  
IO REC ARB F.PLAN CON.DES

I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeals is

Mr Gareth Pryce MSc DipArch RIBA MRTPI

The Inspector will visit the appeal site at 11:00 on 2 October 2001. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeals or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.

Yours faithfully

*C. Vicary*

Miss Claire Vicary

**NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.**

TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF  
PLANNING &  
CONSERVATION

MY REF(S): HD/PP/01/637  
LB/01/638

YOUR REF:  
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 3852

DATE: 18/10/01

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL ..... 40 OVINGTON STREET SW3.

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 B. PHELPS, CO-CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR T. AHERN, CO-CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR SIR ADRIAN FITZGERALD (CHURCH WARD ONLY)  
COUNCILLOR R. HORTON  
COUNCILLOR I. DONALDSON  
TOWN CLERK & CHIEF EXECUTIVE ..... S. MODRIC RM: 253  
DIRECTOR OF LEGAL SERVICES..... L. PARKER RM: 315  
LEGAL ASSISTANT (ENFORCEMENT ONLY).. H. VIECHWEG 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.PEACH

JW



# The Planning Inspectorate

3/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728930  
Switchboard 0117-3728000  
Fax No 0117-3728443  
GTN 1371-8930

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

Your Ref: LB/01/00638/CLBA  
Our Ref: APP/K5600/E/01/1066630  
APP/K5600/A/01/1066240  
Date: 16 October 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990  
APPEALS BY MS H GREEN  
SITE AT 40 OVINGTON ST, LONDON, SW3 2JB**

I enclose a copy of our Inspector's decision on the above appeals.

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

*A. Burden*

pp Mr Dave Shorland

COVERDL1

EX	HDC	TP	CAC	AD	CLU	AO
RB		18 OCT 2001			10 KC	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEEs



# Appeal Decision

Site visit made on 2 October 2001

by **W.G. Pryce** MSc DipArch RIBA MRTPI

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

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 **16 OCT 2001**

---

## Appeal A: APP/K5600/E/01/1066630 40 Ovington Street, London. SW3 2JB

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Ms Helen Green against the decision of the Royal Borough of Kensington and Chelsea Council.
- The application ref: LB/01/00638, dated 21 March 2001, was refused by notice dated 17 May 2001.
- The works proposed are to make an internal opening and create a glazed lightwell infill on the rear elevation.

**Summary of Decision: The appeal is dismissed.**

---

## Appeal B: APP/K5600/A/01/1066240 40 Ovington Street, London. SW3 2JB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms Helen Green against the decision of the Royal Borough of Kensington and Chelsea Council.
- The application ref: PP/01/00637, dated 21 March 2001, was refused by notice dated 17 May 2001.
- The development proposed is the creation of a glazed lightwell infill on the rear elevation.

**Summary of Decision: The appeal is dismissed.**

---

### Main Issue

1. The dwelling that is the subject of these appeals is a Grade II listed building situated within the Chelsea Conservation Area. Having regard to these facts, from the written representations and my inspection of the site and the surrounding area I consider the main issue relating to both the appeals is the effect of the proposals on the character and appearance of the listed building and on the conservation area.

### Development Plan and other Planning Policies

2. The development plan for the locality comprises the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP) adopted in 1995, however, the Council has also drawn to my attention the Unitary Development Plan Proposed Alterations (PA). Whilst this emerging plan has not yet been adopted, it is at a very advanced stage in that process. Therefore, in accordance with the advice contained in paragraph 48 of Planning Policy Guidance Note 1 – General Policy and Principles (PPG1), I shall afford the UDPRA substantial weight in my consideration of these appeals.

3. Amongst the development plan policies relevant to these appeals, policies CD42, CD48, CD52, CD53 and CD58 of both the UDP and the PA are particular pertinent. Of these, policy CD42 specifically concerns new conservatories, setting out the criteria used to assess the acceptability of such proposals. Included in these criteria is the need for new conservatories not to be located significantly above the level of the garden and that they should not result in any undue overlooking of neighbouring gardens.
4. UDP policies CD 48, CD52 and CD53 are all concerned with controlling new development in conservation areas. These policies emphasise the importance of ensuring that new proposals preserve or enhance the character and appearance of the area whilst also drawing attention to the advice contained within the relevant Conservation Area Policy Statement. In relation to listed buildings, policies CD58 of the UDP and of the PA respectively both reflect the general presumption in favour of the preservation of such buildings. These policies state that new works to alter listed buildings will normally be resisted unless they are in keeping with the style of the original building.
5. In relation to national advice, these development plan policies generally accord with the national guidance contained within PPG15 – Planning and the Historic Environment. In dealing with this case, I shall also have regard to the duties imposed under the Planning (Listed Buildings and Conservation Areas) Act 1990. Under sections 16(2) and 66(1) of the Act, the decision maker is required when considering whether to grant listed building consent or planning permission to have special regard to the desirability of preserving the listed building, or its setting or any features of special architectural or historic interest it possesses. In relation to conservation areas, section 72(1) of the Act states that special attention should be paid to preserving or enhancing the character or appearance of that area.

### Reasons

6. No.40 Ovington Street comprises an attractive narrow fronted mid 19th century dwelling, typical of a London terraced house of that period. Situated close to the Brompton Road, the dwelling has a basement, raised ground floor plus two storeys and is situated in the centre of a terrace of similarly designed property. To the rear of the terrace the dwellings have modest private gardens with a brick wall separating them from Lennox Garden Mews.
7. Whilst the rear wall of the terrace of buildings is generally uniform in height, materials and overall appearance, there is also some degree of variation in the size and location of the closet wings to each of the properties. In this regard, I particularly noted that the closet wings at the rear of Nos.38 and 40 are situated close together to form a well between the two dwellings. In contrast with this situation however, Nos.42 and 44 do not have any such prominent features and the gardens of those dwellings are as a result significantly larger and more open. During my site visit, I noted that the glazed roof of the basement level conservatory, which had previously been approved by the Council, had already been installed. On examining this new roof, I was particularly impressed by the simplicity of the design and the absence of any mullions or other frames.
8. However, whilst the approved conservatory is at basement level, the garden is less than 1.5 metres above that level. As there are relatively high brick walls surrounding the

garden, the roof of the new conservatory as currently installed is not prominent from the adjacent gardens or from the open parking and amenity areas in front of Lennox Garden Mews. However, raising the roof as now proposed would mean that the front wall and the roof of the conservatory would be clearly visible from both of those locations. With regard to the design, I recognise that considerable care has been taken in the choice of the specific material to ensure the maximum transparency and hence to minimise the harmful effects of enclosing the existing lightwell.

9. However, in this respect I am concerned that the transparency of the structure would only serve to expose the increased size of the new opening in the rear wall. A feature that in my view would undermine the solid appearance and continuity of the rear wall of the building, particularly when seen from close by. In addition to this, I am particularly aware that in this case the rear of the terrace is very much more exposed to view than many other parts of similarly designed terraces within the conservation area. In considering this aspect of the proposal, it is my view that even such a sensitive design as this could not overcome the highly reflective quality of glass roofs when seen from the more distant views. This would result in the roof inevitably being quite a dominant feature and due to its height, very prominent on the rear façade of the building.
10. Furthermore, I am also concerned about the harmful effects of the myriad of other albeit minor internal works such as changes to the lighting, furnishings and other decoration that would undoubtedly occur over the years. In my opinion, this gradual process would eventually negate the inherent qualities of the original design, substantially increasing the prominence of the conservatory and the enclosure of the well. In my view this would result in considerably less of the original rear façade being visible and I consider that would significantly detract from the character and appearance of the listed building.
11. During my site inspection, I examined carefully the rear of the Ovington Street terrace from Lennox Garden Mews. In this respect, whilst I have already acknowledged the variations that exist, overall the rhythm established by the rear extensions and closet wings is apparent and they do constitute an important feature of the terrace. By comparison with the southern end of the terrace, the closet wings on Nos.38 and 40 are particularly prominent. I recognise that such a location can often be beneficial in reducing the visual intrusion and obtrusiveness of proposals of this kind. However in this case, the infilling of the well between the two wings up to the level of the first floor would result in the rear extensions occupying the full width of the property. In my view, this would substantially reduce the openness at the rear of the terrace and that would be harmful to the character and appearance of this part of the conservation area.
12. In conclusion, it is my view that despite the high quality of the design and detailing, the proposed conservatory would be an unduly dominant feature on the rear of the building and would therefore fail to preserve the character and appearance of the listed building. In addition, I consider that in such a location the proposal would detract from the architectural character and appearance of the terrace and as a result, the visual amenities of the conservation area. I have therefore concluded that the proposed development would be in conflict with national and local development plan policies to protect the historic environment.

#### **Other Considerations**

13. In dealing with this case, I have also had regard to the other examples that have been
-

brought to my attention by the appellants. However, I am not aware of the particular history, siting or development plan circumstances surrounding each of these cases and therefore, I have considered this proposal on its own merits and in the context of its siting and the relevant current planning policies.

**Conclusion**

14. For the reasons I have given and having regard to all other matters raised, I have concluded that these appeals should not succeed.

**Formal Decisions**

*Appeal A (Ref: APP/K5600/E/01/1066630)*

15. In exercise of the powers transferred to me I dismiss this appeal and refuse planning permission for a two storey conservatory at 40 Ovington Street, London SW3 2JB.

*Appeal B (Ref: APP/K5600/A/01/1066240)*

16. In exercise of the powers transferred to me I dismiss this appeal and refuse planning permission for a two storey conservatory at 40 Ovington Street, London SW3 2JB.

**Information**

17. A separate note is attached to this decision setting out the circumstances in which the validity of these decisions may be challenged in the High Court within six weeks of the date of the decision.

  
INSPECTOR



# The Planning Inspectorate

## RIGHT TO CHALLENGE THE DECISION

The attached appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for redetermination. It does not follow necessarily that the original decision on the appeal will be reversed when it is redetermined.

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

Under the provision of section 288 of the Town and Country Planning Act 1990, or section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the grounds:

1. that the decision is not within the powers of the Act; or
2. that any of the 'relevant requirements' have not been complied with; ('relevant requirements' means any requirements of the 1990 Acts or of the Tribunals & Inquiries Act 1992, or of any order, regulation or rule made under those Acts).

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

***It is important to note that such an application to the High Court must be lodged with the Crown Office within 6 weeks from the date of the decision. This time limit cannot be extended.***

An appellant whose appeal has been allowed by an Inspector should note that 'a person aggrieved' may include third parties as well as the local planning authority.

If you require further advice about making a High Court challenge you should consult a solicitor, or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London WC2 2LL. Telephone: 020 794 76000.

## INSPECTION OF DOCUMENTS

It is our policy to retain case files for a period of one year from the date of the Inspector's decision. Any person entitled to be notified of the decision in an inquiry case has a legal right to apply to inspect the listed documents, photographs and

plans within 6 weeks of the date of the decision. Other requests to see the appeal documents will not normally be refused. All requests should be made quoting our appeal reference and stating the day on which you wish to visit, to:

Room 4/09 Kite Wing,  
Temple Quay House, 2 The Square,  
Temple Quay,  
Bristol BS1 6PN

Please give at least 3 working days notice and include a daytime telephone number, if possible.

## **COMPLAINTS TO THE INSPECTORATE**

Any complaints about the Inspector's decision, or about the way in which the Inspector has conducted the case, or any procedural aspect of the appeal should be made in writing and quoting our appeal reference, to:

The Complaints Officer,  
Quality Assurance Unit,  
Room 4/09 Kite Wing,  
Temple Quay House, 2 The Square,  
Temple Quay, Bristol BS1 6PN.

You should normally receive a reply within 15 days of our receipt of your letter. You should note however, we cannot reconsider an appeal on which a decision has been issued. This can be done following a successful High Court challenge as explained overleaf.

## **PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (THE OMBUDSMAN)**

If you consider that you have been unfairly treated through maladministration by us you can ask the Ombudsman to investigate. The Ombudsman cannot be approached direct; reference can be made to him only by an MP. While this does not have to be your local MP (whose name and address will be in the local library) in most cases he or she will be the easiest person to approach. Although the Ombudsman can recommend various forms of redress he cannot alter the Inspector's decision in any way.

## **COUNCIL ON TRIBUNALS**

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



# The Planning Inspectorate

3/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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

Direct Line 0117-3728930  
Switchboard 0117-3728000  
Fax No 0117-3728443  
GTN 1371-8930

JW.

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

Your Ref: LB/01/00638/CLBA  
Our Ref: APP/K5600/E/01/1066630  
APP/K5600/A/01/1066240  
Date: 24 July 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990  
APPEALS BY MS H GREEN  
SITE AT 40 OVINGTON ST, LONDON, SW3 2JB**

I enclose third party correspondence relating to the above appeals.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. Comments submitted after that deadline may not be seen by the Inspector.

Yours faithfully

Mr D Shorland

211AL(BPR)

16	Received	25 JUL 2001	R.B.K&C
Planning:Allocation		APP	

# The CUBE



The Planning Inspectorate  
Room 3/07  
Temple Quay Way  
2 The Square  
Temple Quay, Bristol BS1 6PH

19<sup>th</sup> July, 2001

Dear Sirs

Re: Planning Appeal relating to 40 Ovington Street London SW3 2JB  
Ref: App/K5600/A/01/00537

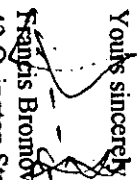
I am the owner of No 42/44 Ovington Street which joins No. 40 Ovington Street.

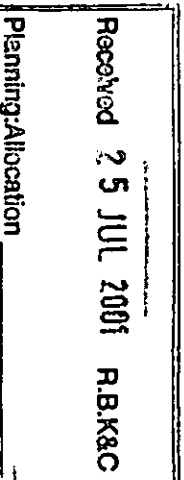
I would like to strongly agree with the Councils decision to refuse planning permission for the proposed glazed infill re the above property. The houses are listed properties and a modern conservatory would clearly not be in keeping with the property, or the area.

No 40 Ovington Street can also be seen by many buildings and persons living opposite, and this also should be taken into consideration when making the planning appeal decision. The view to look at a glazed infill extension would also not be in character with the area and residents would clearly be voicing their opinion.

The reasons for refusal already given by yourselves are based on policies clearly outlined in the Conservation and Development Chapter of the Unitary Development Plan.

Yours sincerely

  
Stanis Bromovsky  
42 Ovington Street  
London SW3 2 JB



14

Holland Street, London W8 4LT

#T 020 79382244

#F 020 79381920

Internet Address: <http://www.thecube.co.uk>

E-mail Address: [info@the-cube.co.uk](mailto:info@the-cube.co.uk)

VAT No. 539 0328 45

The Cube Collection Limited Registration Number: 2654623

TQ 2779 SE  
41/34

GV

OVINGTON SQUARE SW3

Nos 36 to 42 (even)

II

Mid C19. One of 2 facing terraces. Stucco. Three storeys plus basement and mansard attic. Two windows each except end house (one window). Channelled stucco to ground floor. Iron balcony to first floor. Single storey entrance wing to No 42 on return.

TQ 2778 NW & TQ 2778 NE  
48/18            49/18

GV

OVINGTON STREET SW3  
(west side)

Nos 1 to 57 (odd)

II

Symmetrical terrace of houses. Early to mid C19. Yellow brick, stucco dressings. Two storeys and basement. Two windows wide each. Four centre houses and 4 houses to each end slightly set forward, with paired projecting porches with antae. Other houses pilastered porches. Many original doors. All houses square headed windows, gauged arches above, stucco architraves below. Sash windows, margin glazing. Stucco cornices, parapets and openwork balustrades, some regrettably mutilated. Some houses also with unfortunate attic storeys. Pediment to centre houses in blocking course. Cast iron spear headed are railings, and window guards. Listed as one of 2 matching terraces in spacious layout with No 10 Milner Street closing vista to south.

TQ 2779 SW & TQ 2778 NW & TQ 2778 NE  
40/41            48/48            49/48

GV

OVINGTON STREET SW3  
(east side)

Nos 2 to 58 (even)

II

Symmetrical terrace of houses. Early to mid C19. Yellow brick, stucco dressings; two storeys and basement. Two windows wide each. Four centre houses and 4 houses to each end slightly set forward, with paired projecting porches with antae. Other houses pilastered porches. Many original doors. All houses square headed windows, gauged arches above stucco architraves below sash windows, margin glazing. Stucco cornices, parapets and openwork balustrades, some regrettably mutilated. Some houses also with unfortunate attic storeys. Cast iron spear headed area railings and window guards. Listed as one of two matching terraces in spacious layout with No 10 Milner Street closing vista to south.

Our Ref: NDL/MJO/02A087137

**GVA Grimley**

22 March 2001

International Property Advisers

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

10 Stratton Street  
London W1J 8JR  
Telephone 0870 900 89 90  
Facsimile 020 7911 2560  
www.gvagrimley.co.uk

**COPY**

Dear Sirs

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)  
TOWN & COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988  
40 OVINGTON STREET, LONDON SW3**

Our client, Ms Helen Green, has instructed us to submit planning and listed building applications to modify the approved conservatory, to provide a glazed infill lightwell within the confines of the approved scheme.

Accordingly please find enclosed the following documentation:

- Four copies of the planning and listed building application forms and Certificate A duly completed and signed;
- Four copies of a site location plan indicating, in red outline, the property to which this proposal relates (1:1250 scale);
- Four copies of a planning statement in support of these two applications.
- Four copies of each of the drawings for the planning and listed building applications:

Drawing No. 2011/01, *Plans as Existing*  
2011/02, *Elevations- as Existing & Location Plan*  
2011/03, *Sections as Existing,*  
2011/12, *Conservatory Lightwell Addition Proposed-  
Plans Elevations & Sections*

- A cheque for £95.00, made payable to the Royal Borough of Kensington and Chelsea, to cover the costs of the application fees.

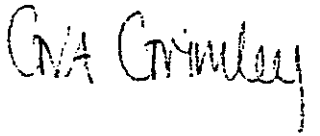
The following drawings are submitted for information purposes only, which illustrate a previously permitted scheme:

Drawing No. 2011/06, Plans as Proposed, Revision A  
2011/07, Elevations as Proposed, Revision A  
2011/08, Sections as Proposed, Revision A

We can confirm that work commenced on the scheme on 5 March 2001, for which planning permission and listed building consent exists (Ref. PP/00/01956/CHSE). The application now submitted therefore proposes the creation of a glazed infill in addition to the conservatory already permitted.

If you have any further comments please do not hesitate to contact either Jon Dingle or Mary-Jane O'Neill at these offices.

Yours sincerely,



**GVA GRIMLEY**

Enc.

**GVA Grimley**





# PEOPLE IN GLASS HOUSES...

## DESIGNING CONSERVATORIES FOR HISTORIC HOUSES

David McDonald



Vale Garden Houses

**H**OW MANY TIMES do we see advertisements which urge us to 'extend our homes tastefully and economically' by buying some brand or other of conservatory? For many home owners it clearly is an attractive proposition and if well designed, a light, timber and glass structure may present the most sensitive means of extending an historic house, allowing the original form of the building to be seen clearly. However, a poor design can look ugly and out of place and whether a conservatory might be an appropriate addition to an historic building needs careful consideration.

At the Royal Borough of Kensington and Chelsea conservation officers deal with a considerable number of applications for conservatories every year both on listed buildings and unlisted buildings in conservation areas. This is perhaps not surprising in a borough which includes some of the wealthiest areas of London, but the fact that it also has some of the highest residential densities in the UK makes any extension potentially problematic, affecting the privacy of neighbours and the character of their surroundings even before any historic building issues are considered. Kensington and Chelsea is probably the only local authority in London which has a specific policy on conservatories in

its statutory planning policy, or 'Unitary Development Plan'. This article deals with conservatories primarily in an urban setting where the opportunities for conservatories are most restricted, though generally the same principles will also apply to suburban or rural areas.

### BRIEF HISTORY

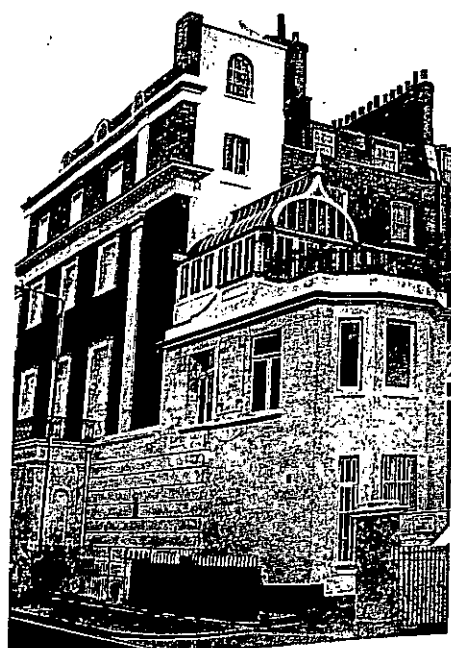
The earliest known conservatories date from the 17th century. The first in Britain is believed to have been constructed in the Oxford Botanic Gardens, followed soon after by another example in the Chelsea Physic Garden. In the 18th century, the orangery became a fashionable addition to the English country house. At Kensington Palace in 1704 Queen Anne commissioned a Baroque design, attributed to Hawksmoor for a free-standing orangery in the grounds. However, it was not until the early 19th century that conservatories came within the reach of private individuals. Glass houses of all kinds became popular in the mid-19th century as improvements in technology led to cheaper glass and cast iron and enabled larger sheets of glass to be produced. Paxton's Crystal Palace, constructed for the 1851 Great Exhibition, provided a dramatic advertisement for glazed structures and was a major influence on the popularity of

conservatories. They reached their zenith in the late Victorian and Edwardian era, but by the end of the First World War they were no longer in fashion. In the last 30 years there has been a resurgence in their popularity and hence the number of firms producing a variety of proprietary and bespoke designs of differing quality and cost.

The original purpose of a conservatory was, as in the current dictionary definition, 'a greenhouse for tender plants'. In the late 19th and early 20th centuries they were also used for entertaining, but maintained their role as a natural transition between house and garden. Gardening writer Shirley Hibberd (1825-1890) wrote: "A conservatory should be a garden under glass and a place for frequent resort and agreeable assemblage at all seasons and especially at times of festivity". However, today there are many uses to which conservatories may be put, such as living or dining rooms. In other words, building a conservatory is just another way of extending a house, and this should be borne in mind when considering its design.

### DESIGN CONSIDERATIONS

It is the original use as a form of greenhouse or garden room that should perhaps inform our philosophy of design. Its success as an addition to a house often depends on its proximity to the garden and its appearance as a light-weight addition, clearly subservient to the parent building and in an appropriate style. The Victorians were conscious of this. Mrs Beeton



*JUST LANDED. Although ideally located for a first floor flat, the roof-top conservatory is an alien feature in this otherwise typical Kensington street scene. Without strict planning controls, the townscape of neighbourhoods such as this would be dominated by roof-top conservatories.*

in her *Dictionary of Everyday Gardening* (1896) advised that the architectural style of a conservatory should be in harmony with that of the house. There are three main factors in considering how a conservatory might be designed: its location in relation to the house and garden, its size and its detailing.

### LOCATION

When considering the introduction of a conservatory, location is obviously a fundamental issue. The most natural location would usually be at garden level to the rear of a property (the basement level in some cases). Victorian and Edwardian conservatories are sometimes found at the front of a house which is set in its own grounds, away from passing traffic, but hardly ever in front of a town house, and a new conservatory would normally look out of place in this location. In urban streets there may also be a problem locating a conservatory at the side of a property as the views between houses are almost always important to the character of the street. If placed on a roof or on top of an existing extension a conservatory can look completely bizarre, having lost its relationship to the garden. Where the prevalent pattern at the rear of Georgian and Victorian terraced houses is that of repeated light-wells and rear extensions (or 'closet wings'), it is most common to place the conservatory in the light-well between the extensions. Setting back the rear building line of the conservatory from that of the adjacent extension also helps to maintain the rhythm of original extensions and limits intrusion into the garden itself.

An important consideration is how the conservatory is linked to the parent building. Where a building is listed, protection includes the whole of the interior, not just the exterior, and the cellular nature of historic buildings is a key element of their character. The local authority's conservation officer is unlikely to allow a new conservatory to be merged with an existing room by the demolition of a whole wall as this would entail considerable removal of original fabric and alter the room's proportions and character. Much less intervention is necessary if an existing opening is used. Ideally this would be a door, but often it may be possible to drop the sill of an existing window opening to create a doorway. If the window is to be removed, consider reusing it elsewhere on the building rather than discarding original or historic fabric, particularly if other extensions and alterations are proposed at the same time. By minimising alterations in this way, the original building may continue to be 'read' through the conservatory.

### SIZE

The size of the proposed conservatory is also of crucial importance. At its most fundamental, all extensions must be clearly subordinate to the parent building if the character of the original architecture is to remain dominant, and should generally cover no more than half the width of the elevation.

When considering the footprint of a conservatory, the cellular structure of the house and the sense of hierarchy between front and rear rooms can be taken as a starting



*Leaded lights set in green painted joinery help to relate this conservatory to the original 1930s architecture of the house and its garden. (Vale Garden Houses)*

point. In most cases its floor area should be significantly less than that of the adjoining room to maintain the progression through the house from grand space to lesser spaces.

The plan-form should relate to that of the parent building and will often be dictated by the conservatory's location. Usually a square or oblong plan is adopted, but in some cases chamfering the corners may soften the appearance of a large structure and a polygonal form may relate better to existing features.

Two storey or double height conservatories are rarely appropriate additions to listed buildings as their overall scale can look out of place, and they may obscure relatively large areas of the elevation of the building. The same may be true of over-elaborate roof structures.

### DETAILED DESIGN

A glance at manufacturers' catalogues at the quality end of the market shows a preponderance of 'traditional designs' These are often based on Victorian and Edwardian styles and consequently may appear very ornate and fussy in appearance. On Georgian or early to mid-19th century houses these styles are likely to clash with the rather plain and restrained appearance of rear elevations. It is better to reflect existing character by simplifying the design. More elaborate designs are best suited to buildings of the Domestic Revival of the late 19th and early 20th centuries. Obviously a quite different approach needs to be taken with buildings of the Modern Movement and contemporary structural patterns and glazing might be utilised.

A potentially successful design may be let down by poor detailing. This may show on the solid lower sections of the conservatory where brick construction may give an unduly heavy or incongruous appearance. Timber panels are often crudely constructed with applied mouldings to imitate traditional panelling, and equal attention needs to be paid to the framing of the glazing which should be lightweight and delicately detailed. Double-glazed units with false glazing bars look false, particularly from the inside. Similarly, the appearance of the roof structure may be compromised by the use of wide aluminium cover-strips.

The colour for the joinery of the conservatory may be chosen to match the

existing woodwork of the house. However, as this colour is usually white, one interesting alternative is to paint the conservatory dark green to reduce its visual impact.

### MATERIALS

In conservatory design over the years, glass has been used relatively consistently although the type and quality has changed considerably as manufacturing processes have become more efficient. On domestic conservatories timber was the predominant framing material in the 19th and early 20th century with cast iron generally confined to the strengthening brackets, cresting and finials. This is in contrast with larger palm houses and winter gardens which tended to be predominantly iron structures. For the construction of traditional conservatories attached to listed houses today, timber is still the preferred material as it combines strength with potentially fine detailing. Aluminium and upvc as well as not being traditional materials and with a quite different appearance to timber, require larger cross-sections and inevitably much cruder detailing. Narrow sectioned steel (such as w20) may be more appropriate for conservatories attached to buildings of the modern movement and later.

There are a few examples of effectively 'frame-less' conservatories which are almost entirely constructed of glass. This uncompromisingly minimalist and transparent approach to design may, on rare occasions be acceptable on a house which is listed, but usually only in relatively concealed locations. They may be justified where there is minimal alteration to the fabric of the building and where they allow the original elevation to be seen through the glazed structure.

### OTHER ISSUES

Under current building regulations a conservatory may be considered as an exempted structure if it meets the following criteria: it is a predominantly glazed structure it is at ground level; it has a floor area of less than 30sq metres; it is separated from the main building (that is, accessed via a door rather than being an enlargement of an existing room). If these criteria are not met the conservatory would be treated as any other extension and would need to meet normal building regulation requirements for construction, including drainage, ventilation, thermal insulation, and fire protection. Thermal requirements in particular would almost be impossible to achieve with a predominantly glazed structure.

### FURTHER REFERENCE

The relatively few books available on conservatory design tend to be produced by the conservatory manufacturers themselves. English Heritage gives basic advice on conservatories in its publication *'London Terrace Houses 1660-1860'*.

DAVID McDONALD is a member of the Institute of Historic Building Conservation and is responsible for Conservation and Design at the Royal Borough of Kensington and Chelsea. The views expressed are his own and do not necessarily represent those of local authority.

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**PLANNING AND CONSERVATION**

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THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

GVA Grimley,  
10 Stratton Street,  
London  
W1X 6JR

Switchboard: 020-7937-5464  
Direct Line: 020-7361- 2664  
Extension: 2664  
Facsimile: 020-7361-3463



**KENSINGTON  
AND CHELSEA**

---

Date: 20 June 2001

---

My Ref: DPS/DCSE/PP/01/00637/JW

DETR's Reference: App/K5600/A/01/1066240

Please ask for: Mr.J. Wade

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 40 Ovington Street, London, SW3 2JB**

With reference to your appeal on the above address(es), enclosed you will find the Council's Questionnaire and attached documents as necessary.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.

---

**PLANNING AND CONSERVATION**

---

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Department of the Environment,  
Transport and the Regions,  
3/07 KiteWing,  
Temple Quay House,  
2 The Square, Temple Quay,  
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-2664

Extension: 2664

Facsimilie: 020-7361-3463

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

Date: 20 June 2001

My Ref: DPS/DCSE/PP/01/00637/JW  
DETR's Reference: App/K.5600/A/01/1066240

Please ask for: Mrs. P. Abdelrahman

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 40 Ovington Street, London, SW3 2JB**

With reference to the appeal on the above premises, I return the completed questionnaire, together with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.



6. Is the appeal site within an approved Green Belt or AONB?

Please specify which .....

YES /  NO

7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)

YES /  NO

8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?  
If YES, please attach details and, where necessary, give our reference numbers.

YES / NO

*E701/1066630*

b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.

YES /  NO

9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)

YES / NO

*C.A. 18*

10. Does the appeal relate to an application for conservation area consent?

YES /  NO

11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II\* / II listed building?

YES / NO

Grade I / II\* / II  I

b. Would the proposed development affect the setting of a listed building?

YES / NO

If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)

12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

YES /  NO

13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?

YES /  NO

b. If YES, was English Heritage consulted? Please attach a copy of any comments

~~YES~~ / NO

14.a. Is the appeal site in or adjacent to or likely to affect an SSSI?  
If YES, please attach the comments of English Nature.

YES /  NO

b. Are any protected species likely to be affected by the proposals?  
If YES, please give details.

YES /  NO

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

- a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.
- b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?
- c. Has a screening opinion been placed on Part 1 of the planning register?  
If YES, please send a copy to us.
- d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;
- e. Any representations received as a result of an Article 7 (or Regulation 6) notice;
- f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;
- g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);
- h. Details of any other applications or matters you are currently considering relating to the same site;
- i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*  
*Chapters 1-4 of LUDP + Proposed Acts*
- j. Any supplementary planning guidance, together with its status, that you consider necessary.  
*Chelsea. CAPS*
- k. Any other relevant information or correspondence you consider we should be aware of.

YES  NO  
(Sch 1 Sch 2 col 1)

YES  NO

YES /  NO

Number of Sheets Enclosed	N/A
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	
NOT DECIDED IF APPROPRIATE YET	

16.a. What is the date you told those you notified about the appeal that we must receive any further comments by? 25.7.01

b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire. *Notif. letter dated* → 19.6.01

Number of Sheets Enclosed	N/A
i) representations received from interested parties about the original application	✓
ii) the planning officer's report to <del>committee</del> <i>members panel.</i>	✓
iii) any relevant committee minute	✓

17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY

Do you intend to send another statement about this appeal?  
If NO, please send the following information:-

a. In non-determination cases:

- i) what the decision notice would have said;
- ii) how the relevant development plan policies relate to the issues of this appeal.

b. In all cases:

- i) the relevant planning history;
- ii) any supplementary reasons for the decision on the application;
- iii) matters which you want our Inspector to note at the site visit.

18. THE MAYOR OF LONDON CASES ONLY

a. Was it necessary to notify the Mayor of London about the application?  
If YES please attach a copy of that notification. YES / NO

a. Did the Mayor of London issue a direction to refuse planning permission  
If YES, please attach a copy of that direction. YES / NO

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: *B. Paul* on behalf of *RBC+C* Council

Date sent to us and the appellant 20.6.01

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Norwich NR3 1BQ



# QUESTIONNAIRE

To be used for all appeals made on or after August 2000

## PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

OUR REF: 28/01/00638

APPEAL REF: APP K5600/E/01/106663 GRID REF: \_\_\_\_\_

APPEAL BY: MS HELEN GREEN

SITE: 40 OVINGTON STREET, SW3

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks of the 'starting date' given in our letter. Please send our copy to the case officer. Their address is shown on our letter.

*If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.*

**NB: PLEASE TELL US OF ANY CHANGES TO THE INFORMATION YOU HAVE GIVEN ON THIS FORM.**

<p>1. Do you agree to the written representations procedure?</p> <p><u>OR</u> Do you wish to be heard by an Inspector at:            a. a local inquiry?</p> <p style="padding-left: 300px;">or            b. a hearing?</p> <p>2. a. If the written procedure is agreed, could the Inspector see the whole site clearly from a road or other public land?</p> <p>          b. From your knowledge of the issues, would our Inspector need to enter the site for any reason e.g. to view/measure any dimensions from within it?</p>	<p>YES/ <u>NO</u></p> <p>YES / <u>NO</u></p> <p>YES / <u>NO</u></p> <p>YES / <u>NO</u></p> <p><u>YES</u> / NO</p>
<p>3. Does the appeal relate to an application for approval of reserved matters?</p> <p>4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?</p> <p>5. Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?</p>	<p>YES / <u>NO</u></p> <p><u>YES</u> / NO / NA</p> <p><u>YES</u> / NO</p>

6. Is the appeal site within an approved Green Belt or AONB?

Please specify which .....

YES /  NO

7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)

YES /  NO

8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?  
If YES, please attach details and, where necessary, give our reference numbers.

YES / NO

A701/1066240

b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.

YES /  NO

9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)

C.A.18

YES / NO

10. Does the appeal relate to an application for conservation area consent?

YES /  NO

11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II\* / II listed building?

YES / NO

Grade I / II\*  II

b. Would the proposed development affect the setting of a listed building?

YES / NO

If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)

12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

YES /  NO

13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?

YES /  NO

b. If YES, was English Heritage consulted? Please attach a copy of any comments

~~YES~~ / NO

14.a. Is the appeal site in or adjacent to or likely to affect an SSSI?  
If YES, please attach the comments of English Nature.

YES /  NO

b. Are any protected species likely to be affected by the proposals?  
If YES, please give details.

YES /  NO

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

- a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If YES, please indicate which Schedule.
- b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?
- c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.
- d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;
- e. Any representations received as a result of an Article 7 (or Regulation 6) notice;
- f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;
- g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);
- h. Details of any other applications or matters you are currently considering relating to the same site;
- i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*  
*Chapters 1-4 of UDP + Proposed Acts*
- j. Any supplementary planning guidance, together with its status, that you consider necessary.  
*Chelsea CAPS.*
- k. Any other relevant information or correspondence you consider we should be aware of.

YES / ~~NO~~  
(Sch 1 Sch 2 col 1)

YES / ~~NO~~

YES / ~~NO~~

Number of Sheets Enclosed	N/A
	✓
	✓
✓	
	✓
	✓
✓	
✓	
TO DECIDE IF APPROPRIATE YET	

<p>16.a. What is the date you told those you notified about the appeal that we must receive any further comments by?</p> <p>b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.</p>	<p>25.7.01</p> <p>Notif. letter dated → 19.6.01</p>								
<p>i) representations received from interested parties about the original application</p> <p>ii) the planning officer's report to <del>committee</del> <i>members panel</i></p> <p>iii) any relevant committee minute</p>	<table border="1"> <thead> <tr> <th data-bbox="1241 294 1391 449">Number of Sheets Enclosed</th> <th data-bbox="1391 294 1535 449">N/A</th> </tr> </thead> <tbody> <tr> <td data-bbox="1241 449 1391 555"></td> <td data-bbox="1391 449 1535 555">✓</td> </tr> <tr> <td data-bbox="1241 555 1391 630">✓</td> <td data-bbox="1391 555 1535 630"></td> </tr> <tr> <td data-bbox="1241 630 1391 703"></td> <td data-bbox="1391 630 1535 703">✓</td> </tr> </tbody> </table>	Number of Sheets Enclosed	N/A		✓	✓			✓
Number of Sheets Enclosed	N/A								
	✓								
✓									
	✓								
<p>17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY</p> <p>Do you intend to send another statement about this appeal? If NO, please send the following information:-</p> <p>a. In non-determination cases:</p> <p>i) what the decision notice would have said;</p> <p>ii) how the relevant development plan policies relate to the issues of this appeal.</p> <p>b. In all cases:</p> <p>i) the relevant planning history;</p> <p>ii) any supplementary reasons for the decision on the application;</p> <p>iii) matters which you want our Inspector to note at the site visit.</p> <p>18. THE MAYOR OF LONDON CASES ONLY</p> <p>a. Was it necessary to notify the Mayor of London about the application? If YES please attach a copy of that notification.</p> <p>a. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.</p>	<p><input checked="" type="radio"/> YES <input type="radio"/> NO</p> <p>YES/NO</p> <p>YES/NO</p>								

I confirm that a copy of this appeal questionnaire and any enclosures have been sent today to the appellant or agent.

Signature: *[Signature]* on behalf of RBK+C Council

Date sent to us and the appellant 20.6.01

---

**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

---

**File copy**

Direct Line: 020-7361-2664

Extension: 2664

Facsimilie:

Switchboard: 020-7937-5464

020-7361-3463

Date: 19 June 2001

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My Ref: DPS/DCSE/PP/01/00637

DETR's Reference: App/K5600/A/01/1066240

Please ask for: Mr.J. Wade

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Notice of a Planning Appeal relating to: 40 Ovington Street, London, SW3 2JB**

A Planning Appeal has been made by Ms Helen Green to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for: Erection of glazed lightwell infill extension at rear first floor level.. This appeal will proceed by way of **WRITTEN REPRESENTATIONS**. Any representations you wish to make should be sent to:

**The Planning Inspectorate, Room 3/07 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**

Please send 3 copies and quote the DETR's reference given above. **The Inspectorate must receive your representations by 25/07/2001 for them to be taken into account.** (Representations made in respect of the planning application have already been copied to the Inspectorate, and these will be considered when determining the appeal unless they are withdrawn before 25/07/2001). Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Inspector dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

I attach a copy of the Council's reasons for refusal and the Appellant's grounds of appeal. The Appellant's and Council's written statements may be inspected in the Planning Information Office after 25/07/2001 (**please telephone ahead in order to ensure that these are available**). 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

## **NOTICE OF A PLANNING APPEAL**

### **Reasons for Refusal**

**By reason of its location significantly above garden level, the proposed glazed infill extension is considered to introduce an alien feature at this level, removing an original window and having an overbearing impact on the rear facade. This would be detrimental to the character and appearance of the property, the terrace of which it forms part and the surrounding Conservation Area and would be contrary to policies contained within the Conservation and Development Chapter of the Unitary Development Plan, particularly Policies CD25, CD41, CD42, CD48, CD52 and CD53.**

### **Property**

**40 Ovington Street, London, SW3 2JB**

### **Proposal**

**Erection of glazed lightwell infill extension at rear first floor level.**

---

Plans and drawings are/are not available for inspection.

(If plans are available, these may be seen in the Planning Information Office between the hours of 9.15 a.m and 4.30 p.m Mondays to Thursdays and between 9.15 a.m and 4.00 p.m on Fridays)

---

**APPEAL NOTIFICATIONS**

Re: .....40 Ovington Street.....

Please complete the list of those to notify of the appeal and return with the file(s) to the Appeal Section within 24 hours. Thank You.

✓  WARD COUNCILLORS: HANS TOWNWARD

- 1.
- 2.
- 3.

KENSINGTON SOCIETY (Ms Susie Symes, 19 Denbigh Terrace, London W11 2QJ)

✓  CHELSEA SOCIETY (Mr Hugh Krall, 51 Milman's Street, London SW10 0DA)

RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

- 1.
- 2.
- 3.

✓  ALL 3<sup>RD</sup> PARTIES ORIGINALLY NOTIFIED

✓  ALL OBJECTORS/SUPPORTERS

STATUTORY BODIES ORIGINALLY NOTIFIED

ENGLISH HERITAGE

OTHERS:.....

STATEMENT DUE 25/7

APPEAL

TO: BC

FROM: PA/HD

DATE RECEIVED: 31.5.01

EXTN: 2081

APPEAL CASE OFFICER: JW	APPEAL ADMIN OFFICER: BB
OUR REF: PP/01/00637	DETR REF: A/01/1066240

ADDRESS: 40 OUVINGTON STREET, SL3

REASON FOR APPEAL: Refusal.

THE APPEAL WILL BE DETERMINED BY WAY OF:

- WRITTEN REPRESENTATIONS
- INFORMAL HEARING
- PUBLIC INQUIRY

START DATE OF APPEAL:	13.6.2001
3 <sup>RD</sup> PARTY LETTERS DUE:	27.6
SENT:	19.6.
QUESTIONNAIRE DUE:	27.6
SENT:	20.6.
RULE 6/8 DUE:	-
SENT:	-
STATEMENT DUE/DATE OF PROOF EXCHANGE:	25.7
SENT:	-





# The Planning Inspectorate

3/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728930  
Switchboard 0117-3728000  
Fax No 0117-3728443  
GTN 1371-8930

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

Your Ref: LB/01/00638/CLBA  
Our Ref: APP/K5600/E/01/1066630  
APP/K5600/A/01/1066240

Date:

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	Q	SW	SE	ENF	AO ACK
14 JUN 2001 (64)							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEALS BY MS H GREEN**  
**SITE AT 40 OVINGTON ST, LONDON, SW3 2JB**

I have received appeal forms and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeals reference numbers which are shown at the top of this letter.

I have checked the papers and confirm that the appeals are valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeals.

You must submit the following documents within this timetable:

**Within 2 weeks from the starting date -**

**You** must notify any statutory parties and interested persons who were consulted at application stage and those who made comments that the appeal has been made. You should tell them that: -

- i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within **6 weeks of the starting date**. If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
- ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
- iii) if they want to receive a copy of the appeals decision they must write to me asking for one.

**You** must submit a copy of a completed appeal questionnaire with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.

**Within 6 weeks from the starting date -**

**You** must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000*. Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. I will send you and the appellant a copy of any comments submitted by interested parties.

**Within 9 weeks from the starting date -**

**You** and the appellant must submit 2 copies of any final comments on each other's statement and any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement. I will forward the appellant's final comments to you at the appropriate time.

**Site visit arrangements**

We will arrange for our Inspector to visit the appeal site and we will send you the details. In most cases the visit will be arranged within 12 weeks of the **starting date**.

You **must keep to the timetable** set out above and ensure your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

**Planning obligations - Section 106 agreements**

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, you must submit a completed, signed and dated copy **before** the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully

Mr D Shorland

102(BPR)

*Reckage*  
*DA*

NEW APPEAL

DATE: 31.5.01

TO: DEREK TAYLOR / PAUL KELSEY  
ROY THOMPSON / BRUCE COEY

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

40 Orington Street

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

JOHN WADE

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

**REASONS OF APPEAL** If the written procedure is requested, the appellant's FULL STATEMENT OF CASE MUST be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

## **CONSIDERATION & CONCLUSIONS**

The property at 40 Ovington Street has existed since the early to mid nineteenth century, and is listed as part of its group value, which forms an historic symmetrical terrace. The building, although listed, is capable of sustaining a certain degree of cumulative change. Incremental alterations to the terrace has detracted from the original street layout, which has had to a certain degree, a detrimental impact on the tenuous visual appearance of the terrace rear.

The frameless glazed detailed proposal is an excellent example of structural design, which considers the historic nature of the building while respecting the needs of the current occupier to extend the property. The proposal will have little, if any, noticeable impact on the ill-defined character to the rear of the group of properties on Ovington Street. Nor will the proposal affect the function and appearance of the surrounding conservation area or the amenity enjoyed by residents of nearby properties.

The impact of the sensitively designed proposal on the building itself will be minimal. The glazing allows the listed building to be appreciated in its original form, whilst at the same time emulates the layout of the permitted scheme. The removal of the window at first floor level is not a significant feature that contributes to the listed status of the property. On balance it is not considered that the removal of the window causes so much harm as to warrant refusal of planning permission.

In summary, these planning and listed building applications accord with the Unitary Development Plan in a number of significant ways and positively contribute to the area. Accordingly, under s.54A of the Town and Country Planning Act, we conclude that planning consent should be granted.