

## Other Documents

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# PLANNING APPEAL FORM

Please send each appeal on a separate form

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application).

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

**WARNING:** If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

## A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name DRUCE LAMM LTD.

Address (AS AGENT)

Your reference: \_\_\_\_\_

Daytime phone no AS AGENT

Fax no \_\_\_\_\_

Postcode \_\_\_\_\_

E-mail address \_\_\_\_\_

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK

KJC	07 DEC 2001	LANDED
-----	-------------	--------

## B. AGENT DETAILS (if any)

Name GVA GRINLEY (MRS CJ GRANT)

Address 10 STRATTON STREET

LONDON

Your reference 020154598

Daytime phone no (020) 7911 2496

Fax no (020) 7911 2560

Postcode W15 8JR

E-mail address cjg@gragramley.co.uk

N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

## C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA ROYAL BOROUGH OF KENSINGTON & CHELSEA

LPA's application reference no PP/01/01227

Date of the planning application 16/05/2001

Date of LPA's decision notice (if issued) 20/09/01

## D. APPEAL SITE ADDRESS

Address 110 KENSINGTON CHURCH STREET, LONDON

Postcode W2 4BH

National grid reference \_\_\_\_\_

(Please see the key on an Ordnance Survey map for instructions; this should be 2 letters and 6 numbers, eg TQ 298407)

## E. DESCRIPTION OF THE DEVELOPMENT

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed)

CONVERSION OF EXISTING GROUND FLOOR SHOP AND BASEMENT  
UNIT TO ESTATE AGENCY (CLASS A1 USE TO CLASS A2 USE)

Size of the whole appeal site (in hectares)

51m<sup>2</sup>

Area of floor space of proposed development (in square metres)

51m<sup>2</sup>

## F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **one** box only

- ✓
1. Refuse planning permission for the development described in Section E.
  2. Grant planning permission for the development subject to conditions which you do not like.
  3. Refuse approval of details listed under a previous outline planning permission.
  4. Grant approval of details listed under a previous outline planning permission subject to conditions which you do not like.
  5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).
- or The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval.

## G. GROUNDS OF APPEAL

If you want your appeal dealt with by the written procedure, your **FULL STATEMENT MUST** be made, otherwise we will return the appeal form. You should give a clear explanation of why you disagree with each of the LPA's reasons for not granting permission, if appropriate. Please continue on a separate sheet(s) if you need to and attach them to this form. If you have requested a hearing or an inquiry, please provide a brief outline of your case.

(SEE ATTACHED SHEET)

## G. GROUNDS OF APPEAL (continued)

## H. CHOICE OF PROCEDURE

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

Please tick *one* box only ✓

### 1. WRITTEN REPRESENTATIONS

Can the whole site be seen from a road or other public land and there is no need for the Inspector to enter the site (eg to take measurements or to enter a building)? If yes, please tick the box. If so, we will arrange an unaccompanied site visit.

### 2. HEARING

Although you may prefer a hearing, we will decide whether a hearing is suitable for your appeal after consulting the LPA.

### 3. INQUIRY

Please give reasons why you think an inquiry is necessary.

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## J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1-6 below, must be sent with your appeal form; 7-10 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

1. A copy of the original **planning application** sent to the LPA.
2. A copy of the **site ownership certificate and ownership details** submitted to the LPA **at application stage** (this is usually part of the LPA's planning application form).
3. A copy of the **LPA's decision notice** (if issued).
4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map).
5. Copies of **plans, drawings and documents** sent to the LPA as part of the application.
6. Any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes).

**Copies of the following must also be sent, if appropriate:**

7. **Additional plans or drawings** relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:   

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8. Any relevant **correspondence** with the LPA.
9. If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:
  - (a) the relevant outline application;
  - (b) all plans sent at outline application stage;
  - (c) the original outline planning permission;
10. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).
11. If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.   

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## K. PLEASE SIGN BELOW

(Unsigned forms will be returned. Signed forms must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and documents to the LPA - **N.B.** if you do not, your appeal will not normally be accepted.
2. I confirm that section J has been fully completed.
3. I will send 2 copies of any further documents relating to this appeal to the Inspectorate.

Signed GVA Grimley (on behalf of) DRUCE LAMM LTD.

Name (in capitals) GVA GRIMLEY Date 06/12/01

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

**NOW SEND:**

- **1 COPY to us at:**  
The Planning Inspectorate  
Appeals Registry  
Tollgate House  
Houlton Street  
BRISTOL  
BS2 9DJ  
Fax no: 0117 987 8769
- **1 COPY to the LPA**  
Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again as they will have everything which you sent them at application stage, but send them any supporting documents not previously sent to them as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.
- **1 COPY for you to keep**

When we receive your appeal form, we will:

- 1) Tell you if it is valid.
- 2) Write to you and the LPA and tell you the procedure for your appeal.
- 3) Tell you the timetable for us receiving further information or representations.  
**If your representations are received after the deadline, they will not normally be seen by our Inspector and will be returned to you.**
- 4) Tell you about the arrangements for the site visit, hearing or inquiry.
- 5) Tell you our Inspector's decision.

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St Clements House  
2-16 Colegate  
Norwich NR3 1BQ

## ● GROUNDS OF APPEAL

- It is considered that the change of use of the premises from Class A1 shop to Class A2 estate agent would not result in a detrimental or adverse impact on the special character of this part of the conservation area.
- The introduction of a Class A2 use will result in a mix of uses within the non-core retail frontage and also diversity. It is considered that such a use cannot be seen as "adverse" or "detrimental" and at worst, would result in a neutral impact on the special character of the conservation area.
- In addition to the above, the case will consider what factors contribute to the "special character" of this part of the conservation area.
- Other Class A2 uses exist within the surrounding area and the case will also examine the evolution of these in more detail, including their impact on the special character of the conservation area.
- Consideration will also be made of the proportion of Class A2 and other uses within this secondary retail frontage and it will be demonstrated that the proposal complies with the Council's policies.



APPEAL NOTIFICATIONS

Re: ...110...Kensington Church...St

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: Campden  
Cllr 1. TIM AHERN  
Cllr 2. Christopher Buchmaster  
Cllr 3. Robert Freeman

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. Cherry Trees Res Assoc

2.

Mr Willoughby Wynne  
39 Brunswick Gardens  
W8 4AW.

3.

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

ALL OBJECTORS/SUPPORTERS

STATUTORY BODIES ORIGINALLY NOTIFIED

ENGLISH HERITAGE

OTHERS:.....

NEW APPEAL

DATE: 17/12/01

TO: ROY THOMPSON / DEREK TAYLOR

PAUL KELSEY / BRUCE COEY

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA. THE SITE ADDRESS IS:

110 Kensington Church St, W8

THE APPEAL FILES ARE ATTACHED

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

George Allpress

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.

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

THANK YOU



# 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: PP/01/01227

Our Ref: APP/K5600/A/01/1079287

Date:

EX DIR	HDC 13	TP December	CAG 2001	CLU	AO AK	
RB	17 DEC 2001		PLANNING			
RJC						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY DRUCE LAMY LTD**  
**SITE AT 110 KENSINGTON CHURCH STREET, LONDON, W8 4BH**

We have decided that a hearing will be held into this appeal and we will now arrange a date.

I am the case officer and, if you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is 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 date of this letter is the **starting date** for the appeal.

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 appeal decision they must write to me asking for one.

**You** must submit a copy of a completed appeal questionnaire and supporting documents, including relevant development plan policies to the appellant and me.

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

**You** and the appellant must submit 2 copies of your hearing statement to me. I will send a copy of your hearing statement to the appellant and send you a copy of their hearing statement. You and the appellant must send a copy of your hearing statements to any statutory parties. 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 on 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 and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

You **must keep to the timetable** set out above and ensure that 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. As I have given details of the timetable, I will not send you reminders.

Withdrawing the appeal

If you hear that the appeal is to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Further information about the terms we use in this letter and appeal procedures is on the attached sheet.

Yours faithfully

*A. Burden*

PP Mr Dave Shorland

H4B(BPR)

## **Questionnaire**

The appeal questionnaire must be sent complete with copies of all necessary documents referred to in it. It is particularly essential to us that details of all relevant development plan policies are included with the questionnaire at this early stage.

## **Hearing Statement**

In your hearing statement you will need to give full details of the case which you will put forward at the hearing. You must include copies of any documents, including copies of maps and plans, to which you intend to refer. Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. The format of a statement for hearing cases is in Annex 2(i) of DETR Circular 05/2000.

## **Statutory parties**

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the application or appeal. You must give details of any statutory parties at application stage in reply to question 15e of the questionnaire. I will tell you about any statutory parties at appeal stage, before your hearing statement is due.

## **Late Representations**

Comments or representations received after any of the time limits will normally be disregarded and we will send them back. Late representations will only be considered in extraordinary circumstances.

## **Costs**

Costs can be awarded in hearing cases. If a hearing is subsequently adjourned because of the submission of late evidence, there is the possibility of a successful claim of costs. DOE Circular 8/93 gives more advice.

## **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, a final draft must be submitted at least 10 working days before the date of a hearing. Obligations should be completed by the close of a hearing. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

---

**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  
FILE  
FILE  
FILE

Switchboard: 020-7937-5464  
Direct Line: 020-7361-2771  
Extension: 2771  
Facsimilie: 020-7361-3463

Date: 19 December 2001

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My Ref: DPS/DCC/PP/01/01227

DTLR's Reference: App/K5600/A/01/1079287

Please ask for: G. Allpress

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Notice of a Planning Appeal relating to: 110 Kensington Church Street, London, W8 4BH**

A Planning Appeal has been made to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for: Change of use of existing ground floor shop and basement unit (Class A1) to estate agency (Class A2).

This appeal may be heard at an informal hearing or public inquiry which you may attend and, at the discretion of the Inspector, make representations. In the meantime, any representations you wish to make in writing 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, quoting the DTLR's reference given above, and indicate if you wish to speak. **The Inspectorate must receive your representations by 24/01/2002 for them to be taken into account.** 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.

The Council's reasons for refusal and the Appellant's grounds of appeal may be inspected in the Planning Information Office at the Town Hall. When this department receives further details regarding the date and procedure by which the appeal will be heard, we will write to you again. 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

For official use only  
Date received

# QUESTIONNAIRE

## PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

OUR REF: PP/01/1227

APPEAL REF: APP KS6001A/01/1079287 GRID REF: \_\_\_\_\_

APPEAL BY: DRUCE LAMY LTD

SITE: 110 KENSINGTON CHURCH ST, W8

You must ensure that a copy of a completed questionnaire together with any enclosures is received by us and the appellant within 2 weeks from the starting date given in our letter. You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan. 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.

<p>1. Do you agree to the written representations procedure?</p>	<p>YES / NO</p>
<p>OR Do you wish to be heard by an Inspector at:</p> <p style="margin-left: 40px;">a. a local inquiry?</p> <p style="margin-left: 40px;">or</p> <p style="margin-left: 40px;">b. a hearing?</p> <p><i>but we do agree to</i> (with arrows pointing to 'a' and 'b')</p>	<p>YES / NO</p> <p>YES / NO</p>
<p>2. If the written procedure is agreed, could the Inspector make an unaccompanied site visit?</p> <p><i>(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)</i></p>	<p>YES / NO</p>
<p>3. Does the appeal relate to an application for approval of reserved matters?</p>	<p>YES / NO</p>
<p>4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?</p>	<p>YES / NO / NA</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 / 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

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

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.

YES /  NO  
 Sch1 — Sch 2 col 1

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?

YES /  NO

c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.

YES /  NO

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;

Number of Documents Enclosed	N/A
	<input checked="" type="checkbox"/>

e. Any representations received as a result of an Article 7 (or Regulation 6) notice;

	<input checked="" type="checkbox"/>
--	-------------------------------------

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;

1	
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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);

123	
-----	--

h. Details of any other applications or matters you are currently considering relating to the same site; PP/01/1505 • CA/01/1506

2	
---	--

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, + 8. UDP and proposed alterations.

<input checked="" type="checkbox"/>	
-------------------------------------	--

j. Any supplementary planning guidance, together with its status, that you consider necessary.

<input checked="" type="checkbox"/>	
-------------------------------------	--

k. Any other relevant information or correspondence you consider we should be aware of.

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?

24.01.02  
19-12-01

*Not f. letter dated ->*

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

Number of Documents Enclosed

N/A

i) representations received from interested parties about the original application

14

ii) the planning officer's report to committee / ~~minutes part~~

✓

iii) any relevant committee minute *TO BE SENT AT A LATER DATE.*

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:-

YES / NO

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

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

Date sent to us and the appellant *19<sup>th</sup> December 2001*

Please tell us of any changes to the information you have given on this form.

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16 Colgate  
Norwich NR3 1BQ

Okj



Chartered Surveyors Valuers & Estate Agents

DM/AT

7<sup>th</sup> September 2001

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

R.B.K.C PLANNING

Received 10 SEP 2001 59

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

For the attention of Miss N. Crowley

Dear Sirs,

**Re: Planning Application PP/01/1227  
110 Kensington Church Street, London W8**

I wish to place an objection to any change of use that may be considered from A1 to A2 on the above premises.

I perhaps cannot escape the fact that I am a Chartered Surveyor and Estate Agent, and would not normally wish to be unwelcoming or unhelpful to any other agents coming into the area. On the other hand, in this particular case, I feel that my objections are really valid as it is important that the gradual erosion of A1 uses between Vicarage Gardens to the south and Notting Hill Gate to the north shall cease.

My practice has acted professionally and commercially for many of the shopkeepers over the years, be they Landlords or Tenants. The antique dealers' and antique shops' community have built up an enviable reputation internationally for this part of Kensington Church Street, as a most prestigious centre for antiques.

High rents at the south end of Kensington Church Street and in the High Street, as well as high rents at Notting Hill Gate, make it very difficult for the antique dealer community to find shops in those places.

It would be good if you could continue to allow this part of the street to retain as many A1 users as possible, as apart from the antique dealers, this will ensure that the residents on Campden Hill may have other useful and interesting shops providing them with a selection of different services rather than more estate agents.

No doubt your Planning Officers, when doing their in-depth research on the history of the street and what makes it so important, will remember or learn of the relationship between the antique dealer community in this street and those to the north in Portobello Road, etc.

Lime Studios  
20 Victoria Gardens  
London W11 3PE

Head Office & Administration  
020 7243 7405

Marketing  
020 7243 7408

Structural Surveys & Valuations  
020 7243 7410

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Liz Thomson

Property Management  
John Thwaites  
Helen Edwards

Commercial  
Jack Lipinski

Lettings Management & Refurbishment  
Sharon Blagg

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David Robb ACIS, MBA

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It was noted that a recent application for a change of use from A1 to A2 was turned down just into Campden Street from Kensington Church Street on a site which is actually considerably less high-profile than 110 Kensington Church Street.

The real point I am trying to make is, just like Kensington Palace and Portobello Road, Kensington Church Street is a major London landmark and should be cherished as such for the reasons stated above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D Marshall', written in a cursive style.

**David Marshall**  
Senior Partner.

---

**PLANNING AND CONSERVATION**

---

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

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Mrs C J Grant  
GVA Grimley  
10 Stratton Street  
London  
W1J 8JR

Switchboard: 020-7937-5464  
Direct Line: 020-7361- 2771  
Extension: 2771  
Facsimile: 020-7361-3463

---

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

Date: 19 December 2001

---

My Ref: DPS/DCC/PP/01/01227/GA  
DETR's Reference: App/K5600/A/01/1079287

Please ask for: G. Allpress

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 110 Kensington Church Street, London, W8 4BH**

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 Transport,  
Local Government and the Regions,  
3/07 KiteWing,  
Temple Quay House,  
2 The Square, Temple Quay,  
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-2771

Extension: 2771

Facsimile: 020-7361-3463

---

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

Date: 19 December 2001

My Ref: DPS/DCC/PP/01/01227/GA

DETR's Reference: App/K5600/A/01/1079287

Please ask for: Appeals

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 110 Kensington Church Street, London, W8 4BH**

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.



# 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 0117-3728460  
Switchboard 0117-3728000  
Fax No 0117-3728804  
GTN 1371-8460

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

Your Ref: PP/01/01227  
Our Ref: APP/K5600/A/01/1079287  
Date: 19 December 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY DRUCE LAMY LTD  
SITE AT 110 KENSINGTON CHURCH STREET, LONDON, W8 4BH**

*Confidential*

I am writing to tell you that we propose to hold a hearing into this appeal at 10:00 on Tuesday 30 April 2002 at a venue to be arranged.

It is now our policy to allow only one refusal of a hearing date, before we fix a date, time and place for a hearing. If you refuse the date offered you should give a good reason for doing so.

If you cannot accept the date offered you may agree a reasonable alternative with the other party. The availability of the Inspector is a crucial factor in this process. We will let you know whether we can supply an Inspector for any date you agree between yourselves, but it must meet with our general aim of deciding appeals quickly.

You can reply to me by telephone or letter. If I do not hear from you by 3 January 2002, I will assume that the proposed hearing date is acceptable, and that you are not intending to negotiate an alternative hearing date with the other party.

You should not assume that the hearing date offered here is the one that will eventually go ahead. We will write to you again to confirm final arrangements.

Yours faithfully

Miss Heather Langridge

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB KJC		2 4 DEC 2001			PLANNING 36	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

**NB: You should only send letters about the hearing date to the above room. You should send all other correspondence to the case officer mentioned in the initial letter.**

NZ/IW?

# Winkworth

## FRANCHISOR OF THE WINKWORTH NAME

118a Kensington Church Street, London W8 4BH  
(Marketing & IT) Tel: 020 7727 0576 Fax: 020 7792 9203  
(Accounts) Tel: 020 7727 0894 Fax: 020 7727 0227  
E-mail: [franchisor@winkworth.co.uk](mailto:franchisor@winkworth.co.uk)  
[www.winkworth.co.uk](http://www.winkworth.co.uk)

15 November 2001

Mr. M.J. French  
Executive Director, Planning and Conservation  
The Royal Borough of Kensington and Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX

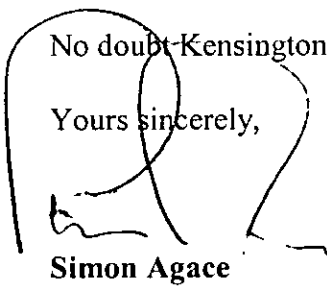
Dear Mr. French,

Further to our letter concerning the proposed use of 110 Kensington Church Street as an Estate Agency by Druce & Co. We understand the planning permission was turned down however from the enclosed notice it would appear they are opening regardless.

No doubt Kensington will police the matter appropriately.

*not attached!*

Yours sincerely,



Simon Agace

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB	19 NOV 2001			34 PLANNING		
KJC						
N	SW	SE	APP	IO	REC	
		ARB	FPLN	DES	FEES	

30/11/01  
Checked on site,  
and shop front is  
existing.



All offices are independently owned and operated

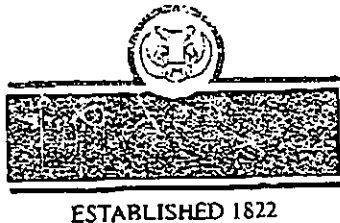
LONDON CENTRAL Clerkenwell & City, Kensington, Knightsbridge, Notting Hill, Paddington & Bayswater, Pimlico, St John's Wood, South Kensington, West End LONDON WEST Chiswick, Ealing & Acton, Fulham, Fulham Cross, Hammersmith, North Kensington, Shepherd's Bush LONDON SOUTH of the RIVER Battersea, Blackheath & Greenwich, Clapham, Croydon, Dulwich, Kennington, New Cross, Putney, Streatham, Surrey Quays, Tooting LONDON EAST Bow, Hackney, Stratford LONDON NORTH Crouch End, Finchley, Golders Green, Hendon, Highgate, Islington, Kenish Town SPECIALIST SERVICES Auctions, Central London Management, Chartered Surveyors  
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ATTN

NICOLA COWLEY



PAO  
 DAVID MARSHALL  
 FROM: SIMON AGENCE

09 October 2001

Dear Fellow Agent

### New Office in W8

We are pleased to announce that we will shortly be opening a new office in Kensington. All details are shown below, please amend your mailing lists to ensure that we receive all available half commissions for W8 / W11 / W14 / W2 and SW7.

**Druce Residential**  
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**London W8 4BH**  
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The Sales and Lettings teams will be headed by Lucy Crawford, who some of you may know from Marsh & Parsons, Kensington Church Street.

Obviously nearer the time, there will be a launch party and we would love you all to join us - invitations to follow. If in the meantime, you require any further information about the new office, please contact Lucy on 07961 405325 or [lcrawford@druce.com](mailto:lcrawford@druce.com).

Regards,

*Druce & Co*

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB KJC		19 NOV 2001			PLANNING	
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 DRUCE COMMERCIAL: 61 WEYMOUTH STREET, LONDON W1N 3PL TELEPHONE: 020 7486 1252 FAX: 020 7486 9266  
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WEBSITE: [www.druce.com](http://www.druce.com)

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Fax: 01256 768490

E-mail: [jjarkin@bell-cornwell.co.uk](mailto:jjarkin@bell-cornwell.co.uk)

# FACSIMILE

+ NC

To: *Ian Williams and/or Chris Morris* From: *The Bell Cornwell Partnership*

Company: *The Royal Borough of Kensington & Chelsea* Job No: *3562*

Fax No: *020 7361 3463*

Pages: *4*  
(excl. front)

Date: *06<sup>th</sup> December 2001*

Copied to:

Subject: *110 Kensington Church Street, London*

**Urgent**      **For review**      **Please comment**      **Please Reply**

**Message:**

Further to our telephone conversation with Warren of your Office, please see attached.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB KJC		07 DEC 2001			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

**THIS WILL / WILL NOT BE POSTED**

PARTNERS: John W Cornwell BA DMS FRTPI MIMgt FRSA • Graham C Bell BA M&c FRGS Dip TP MRTPI • Simon Avery BA Bphil Dip Urban Des MRTPI • Linda Saunders Tech RTPI MIAB Practice Manager • Ian Sowerby BA M&c MRTPI

ASSOCIATE: Anthony Hawkins BA Dip TP MRTPI

04/12/01 12:35 FAX

02

**PRICE**

**News**

**Have you  
heard the  
news...**

[REDACTED]



04/12/01 12:35 FAX

03

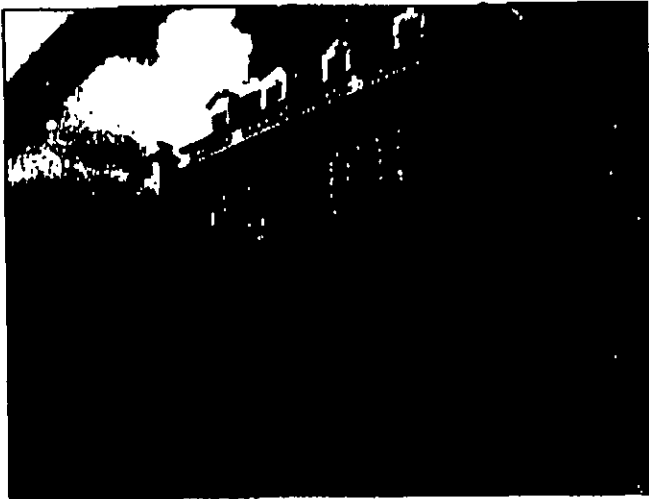
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that Druce have successfully  
handled in your area, in  
the last year...**



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Leading Central London estate agent Druce is opening its new office at 110 Kensington Church Street. Founded in 1822 Druce Lamy Ltd. forms part of the Lamy group of companies based in France and England. The company specialises in all aspects of residential and commercial property with particular emphasis in Central London.

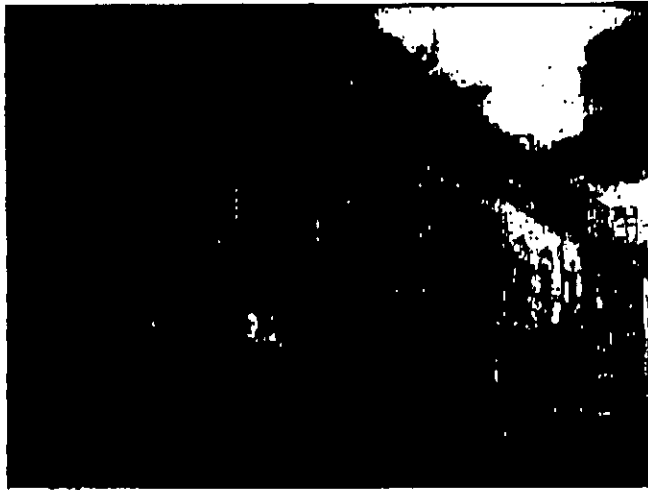
**Tel: 020 7727 7123**

**110 Kensington Church Street, London W8 4BH**

04/12/01 12:35 FAX

04

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*Our new address*

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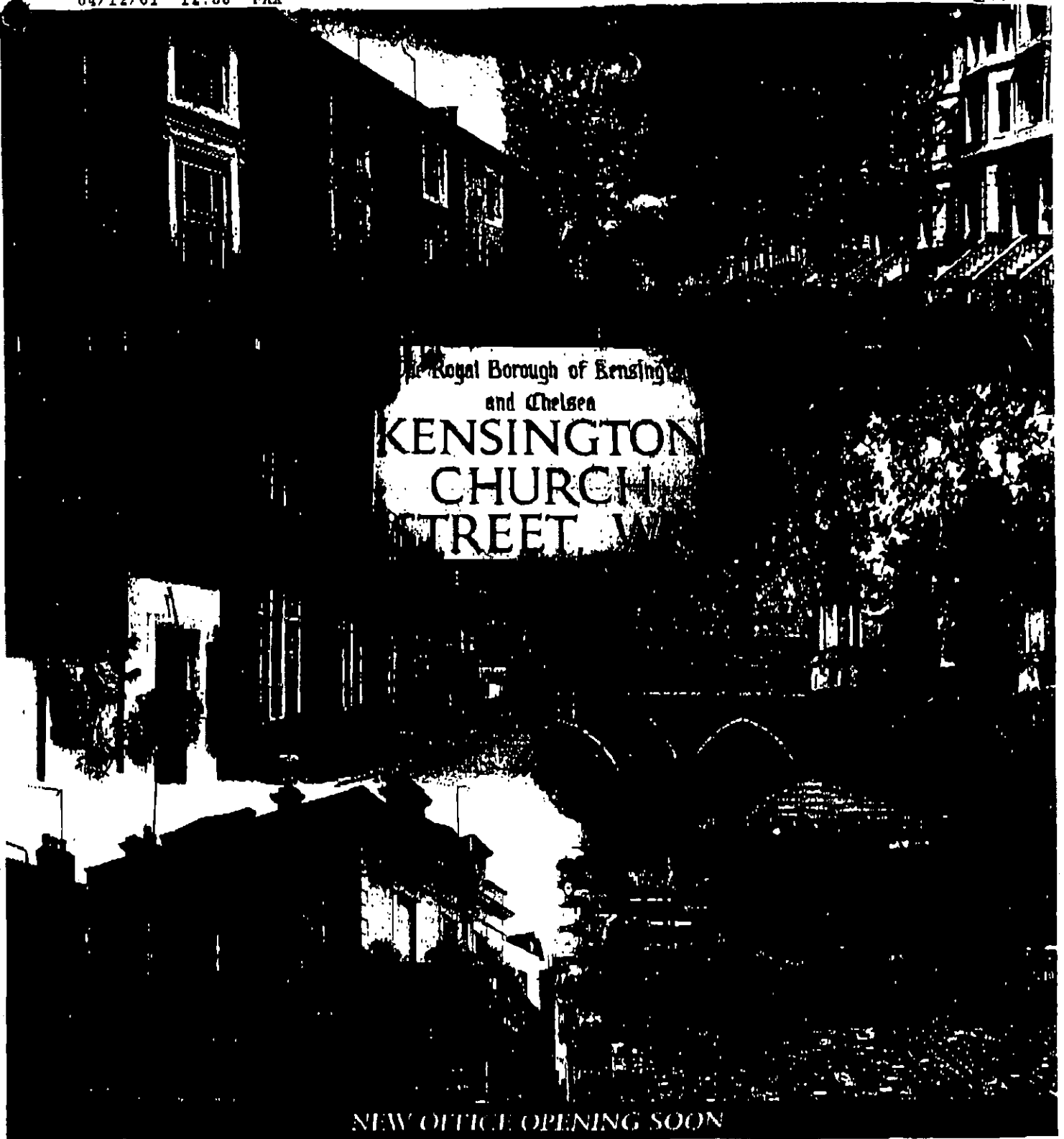
The Royal Borough of Kensington and Chelsea

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*Ph KJA.*  
*These points will need to be addressed at the office*  
*[Signature]*  
*2/1/02*

Councillor RJ Freeman  
C/o The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
London  
W8 7NX

21 December 2001

Dear Councillor Freeman

**Refusal of Planning Permission for the Change of Use of Premises at 110 Kensington Church Street from Class A1 (Shop) to Class A2 (Estate Agents)**

I write on behalf of my clients Druce & Company Limited, who as you are aware, applied to the Royal Borough on 16 May 2001 for planning permission to use the premises at 110 Kensington Church Street as an estate agents. My clients obtained informal advice by telephone from a planning officer prior to the submission of their application. At this point the officer indicated that the proposals were likely to be acceptable and if an application were submitted, it would be considered favourably.

Following the submission of the application the case officer expressed the view that the proposal was contrary to the Council's adopted UDP policies. In particular he felt that the proposal would adversely affect the special character of this part of the conservation area. Secondly, he suggested that the change of use of the premises from Class A1 to Class A2 use would result in less than 65% of the total non-core ground floor units in the principal shopping centre being in Class A1 (shop) use. The proposal would therefore be contrary to the criteria set out in Policy S15 of the adopted UDP. It is on this basis that the officer recommended the refusal of planning permission for the change of use.

Following this expression from the planning officer, my clients' agent and architect sought a meeting with Mr French and the planning officer to discuss the proposal. A meeting was held on 7 September 2001. At this meeting it was agreed that the application should proceed to committee, with a recommendation for refusal. However, at this point Mr French acknowledged that it was possible that a number of the other existing Class A2 uses operating within the immediate area may be unauthorised and he would recommend to the committee that these uses be investigated, should the refusal of planning permission be appealed. The application was refused by the planning committee on 17 September 2001.

My clients have subsequently instructed me to lodge an appeal in respect of the committee's refusal, and this was registered by the Planning Inspectorate on 13 December 2001. We are currently awaiting a date for the informal hearing. In lodging the appeal I have reviewed the officers' actions and the subsequent decision of the committee and have a number of concerns. I set out each of these below.

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RB	KJC	- 2 JAN 2002			PLANNING	AK
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My clients were naturally somewhat concerned that having submitted their application in good faith and on the basis of initial albeit favourable advice that the proposals were then considered as being contrary to Council policy and were subsequently refused.

From reading the officer's report to the planning committee it appears that there are a number of factual errors, miscalculations and inconsistencies within the report, upon which the committee made their decision. The report states that it has been calculated that with the inclusion of this proposal, 64% of the total non-core ground floor units are in Class A1 use. Therefore the proposal does not meet the criteria of the adopted UDP. The report however, fails to set out the calculations that form the basis of this assertion. I have made some initial calculations on the basis that the non-core ground floor units are those defined on the UDP proposals map, and which form the cluster around the northern section of Kensington Church Street on both sides of the road. These calculations reveal that:

- There are 71 units in total. Allowing for the change of use, 67% of these units would be in Class A1 use. This figure is 2% above the threshold figure of 65% as set out in policy S15 of the UDP;
- This figure may be adjusted if the calculations were to include additional Class A1 units to the south of Bedford Gardens, which would then give a total of 77 units in total. Allowing for the change of use, 70% (54 units) would remain in Class A1 use, 5% above the threshold of 65%.

The emerging UDP adopts a slightly different approach to assessing the mix of uses within a shopping area. I note that the calculations in the officer's report are based upon "the specific shopping parade local to the proposal", which is neither clearly defined on the proposals map or in the text. The officer's report states that "there are 26 units within this frontage, 5 of which are currently in non-shop use which equates to less than one third." Assuming that the report refers to the single frontage between Kensington Mall and Berkley Gardens, there are in fact 28 and not 26 units, of which 20 (70%) are in Class A1 use. Allowing for the change of use of the subject premises, this percentage would fall to 67% (19 units in Class A1 use), still above the Council's threshold figure of 65%.

Concerns relating to the definition of shop frontages were considered by the UDP Inspector following the UDP Public Inquiry. The Inspector's Report (July 2001) states that although the UDP had been revised there is concern that the definition of shopping frontages could be taken to mean frontages on both sides of the principal shopping centres, between the same highway intersections rather than two separate frontages on opposite sides of the street. As the explanatory text refers to *individual* street frontages and parades, the Inspector considered it unlikely that this could be interpreted to relate to two separate frontages on opposite sides of the street. The Council, however, suggested additional wording, which has become a recommended change by the Inspector. The insertion of the words "on either side of the street" after "in any one street frontage" is therefore proposed. It is therefore assumed that calculations should include data from both sides of the street, which does not appear to be the case in the officer's committee report.

I also note that officer's report makes further errors. It states that, "of the 25 shops which make up the block of shops between Kensington Mall and Berkley Gardens 16 of these are antique or fine art retailer". This assertion is inconsistent with a previous statement that stated that there were 26 units. Our assessment demonstrates that there are in fact 28 units.

As a result of the above discrepancies and errors which have appeared in the officer's report, I am somewhat concerned that my clients' proposal may have been refused by the Committee on the basis of incorrect information. Furthermore, at their meeting with the planning officer and Mr French, it was suggested that some of the existing Class A2

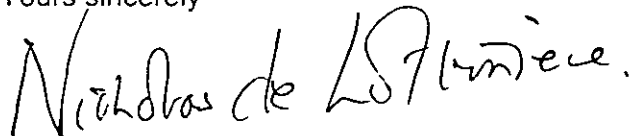


premises may be operating without planning permission, but these units were still taken into account as Class A2 units in the officer's calculations.

I am also somewhat concerned that the Council's reason for the refusal of this proposal are unsustainable, and based solely on the special character of this part of the conservation area. I consider that they may not be supported by an appeal inspector.

As one of the Ward Councillors, I would be grateful if you could take account of the points raised above. I would also greatly appreciate the opportunity to discuss these matters in more detail and I look forward to hearing from you.

Yours sincerely



Nicholas HJ de Lotbiniere BSc MPhil MRICS  
Partner, Planning Department

Cc G Verhoef Esq  
S Orr-Ewing Esq

---

**PLANNING AND CONSERVATION**  
**INTERNAL MEMORANDUM**

---

**TO:** George Allpress (DC Central)                      **ROOM NO:** -  
**CC:** Jonathan Wade (DC South East), Paul Kelsey, Nicola Cowley (DC Central), Justin Ayton (Design),  
LeVerne Parker (Legal), Rebecca Gill (Appeals), Steve McCormack, David Rafael (Policy)  
**FROM:** Tony Appleyard (Policy)                      **ROOM NO:** 331  
**TELEPHONE:** (020) 7361 2092                      **EMAIL:** tony.appleyard@rbkc.gov.uk  
**DATE:** Monday 7 January 2002                      **REF:** -  
**SUBJECT:** Appeal: 110 Kensington Church Street, W8 (PP/01/1227)

---

The following are my comments regarding the letter to Councillor Freeman dated 21 December 2001 from Mr de Lotbiniere (GVA Grimley) on the above appeal (copy attached).

Para 6 of the letter refers to the Council's figure of 64% of the total of the Notting Hill Gate Principal Shopping Centre (PSC) No 2 non-core being in Class A1 use. The accuracy of this figure is challenged by Mr de Lotbiniere's calculations in that, '...the non-core ground floor units are those defined on the UDP proposals map, and which form the cluster around the northern section of Kensington Church Street on both sides of the road', a total figure of 71 units. In fact the calculation of the non-core of the PSC under *adopted* Policy S15 is based on the **total** non-core frontage of the Centre, which also includes addresses to the eastern and western extremities of Notting Hill Gate and also the southern end of Portobello Road. The Council's PSC Survey of 2000 found that there were 99 units within the entire non-core and not 71 as suggested by Mr de Lotbiniere.

Mr de Lotbiniere goes on to state that were retail units south of Bedford Gardens (addresses not specified) taken into account then this would further support his arguments that the Council's approach is incorrect. This contention is also mistaken, for the reason that the units are not contained within a PSC and therefore not taken into account when making the assessment.

Para 7 of the letter questions the actual number of units within the parade 106-172 (even) Kensington Church Street. The Council's report gives the number at 26 (5 in non-retail use), which is what I also found on surveying the parade. Mr de Lotbiniere argues that there are in fact 28 units in the parade, although no specific detail on their uses or addresses is given. The Council's 2000 PSC Survey puts the number of units at 25 (5 in non-retail use) in 1990 the figure was 24 (7 in non-retail use). It should also be acknowledged that there are several combined units within the parade that have a history of changing over time. The PSC Survey of summer 2001 puts the number of units in the parade at 25 (6 in non-retail use). It is considered that Mr de Lotbiniere fails to give specific evidence that there are 28 units. In any case, the proposal fails under *adopted* Policy S15 and complies under *altered* Policy S15a.

Para 8 of Mr de Lotbiniere's letter refers to the Inspector's Report on the proposed revisions to the UDP. The survey of the parade and observations by Forward Planning were completed on 6 June 2001 while the Inspector's Report was not received until 3 July 2001. It was anticipated in the comments that the *altered* policies S15 and S15a would not face any significant modifications as a result of the Inspector's findings and this was taken into account when applying *altered* Policy S15a to the proposal. Generally the Inspector supported the revisions to Policy S15 and the introduction of Policy S15a. In particular, Mr de Lotbiniere misinterprets the Inspector's intention in the definition of shop frontages. The Inspector stated:

*'As the explanatory text refers to "individual street frontages and parades" I consider it unlikely that this could be interpreted to relate to two separate shopping frontages on opposite sides of the street. However, the Council has suggested additional wording if I consider it to be necessary. I am not fully convinced that it is, but no harm can be caused by the insertion of the words "on either side of the street" after "In any one street frontage", as a "belt and braces" approach'. (Para 8.77)*

Cont...

Forward Planning's interpretation of the Inspector's meaning is the opposite of Mr de Lotbiniere's – if the Council had meant to say both sides of the street it would have said so.

In regard to the possibility of there being unauthorised non-retail uses within the parade (Nos. 106-172) this should be investigated. Given the workings of the *adopted* Policy S15a and in the context of 99 non-core units within the PSC then one or two unauthorised uses would be material in reaching the figure of 64% of Class A1 use in the non-core. The 2001 PSC Survey gives the total number of units in the PSC at 154 of which 99 are non-core, and 64% of the non-core in Class A1 use.

I trust you find this useful.

*Ph* *GA*

*These points will need to be addressed at the office*

**GVA Grimley**

International Property Advisers

10 Stratton Street  
London W1J 8JR

Telephone 0870 900 89 90

Facsimile 020 7911 2560

www.gvagrimley.co.uk

Councillor RJ Freeman  
C/o The Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornion Street  
London  
W8 7NX

*2/1/02*

Direct Line (020) 7911 2406

ndl@gvagrimley.co.uk

02A154598/CJG/CllrF211201

21 December 2001

Dear Councillor Freeman

*Tomy*  
*Am I have your comments on their policy calculations (on the next page) Thanks!*

**Refusal of Planning Permission for the Change of Use of Premises at 110 Kensington Church Street from Class A1 (Shop) to Class A2 (Estate Agents)**

I write on behalf of my clients Druce & Company Limited, who as you are aware, applied to the Royal Borough on 16 May 2001 for planning permission to use the premises at 110 Kensington Church Street as an estate agents. My clients obtained informal advice by telephone from a planning officer prior to the submission of their application. At this point the officer indicated that the proposals were likely to be acceptable and if an application were submitted, it would be considered favourably.

Following the submission of the application the case officer expressed the view that the proposal was contrary to the Council's adopted UDP policies. In particular he felt that the proposal would adversely affect the special character of this part of the conservation area. Secondly, he suggested that the change of use of the premises from Class A1 to Class A2 use would result in less than 65% of the total non-core ground floor units in the principal shopping centre being in Class A1 (shop) use. The proposal would therefore be contrary to the criteria set out in Policy S15 of the adopted UDP. It is on this basis that the officer recommended the refusal of planning permission for the change of use.

Following this expression from the planning officer, my clients' agent and architect sought a meeting with Mr French and the planning officer to discuss the proposal. A meeting was held on 7 September 2001. At this meeting it was agreed that the application should proceed to committee with a recommendation for refusal. However, at this point Mr French acknowledged that it was possible that a number of the other existing Class A2 uses operating within the immediate area may be unauthorised and he would recommend to the committee that these uses be investigated, should the refusal of planning permission be appealed. The application was refused by the planning committee on 17 September 2001.

My clients have subsequently instructed me to lodge an appeal in respect of the committee's refusal, and this was registered by the Planning Inspectorate on 13 December 2001. We are currently awaiting a date for the informal hearing. In lodging the appeal I have reviewed the officers' actions and the subsequent decision of the committee and have a number of concerns. I set out each of these below.

DIR	HDC	TP	CAC	AD	GLU	AO	AK
RB	- 2 JAN 2002				PLANNING		
KJC							
N	C	SW	SE	APP	IO	REC	
			ARB	FPLN	DES	FEES	

My clients were naturally somewhat concerned that having submitted their application in good faith and on the basis of initial albeit favourable advice that the proposals were then considered as being contrary to Council policy and were subsequently refused.

From reading the officer's report to the planning committee it appears that there are a number of factual errors, miscalculations and inconsistencies within the report, upon which the committee made their decision. The report states that it has been calculated that with the inclusion of this proposal, 64% of the total non-core ground floor units are in Class A1 use. Therefore the proposal does not meet the criteria of the adopted UDP. The report however, fails to set out the calculations that form the basis of this assertion. I have made some initial calculations on the basis that the non-core ground floor units are those defined on the UDP proposals map, and which form the cluster around the northern section of Kensington Church Street on both sides of the road. These calculations reveal that:

- There are 71 units in total. Allowing for the change of use, 67% of these units would be in Class A1 use. This figure is 2% above the threshold figure of 65% as set out in policy S15 of the UDP;
- This figure may be adjusted if the calculations were to include additional Class A1 units to the south of Bedford Gardens, which would then give a total of 77 units in total. Allowing for the change of use, 70% (54 units) would remain in Class A1 use, 5% above the threshold of 65%.

The emerging UDP adopts a slightly different approach to assessing the mix of uses within a shopping area. I note that the calculations in the officer's report are based upon "the specific shopping parade local to the proposal", which is neither clearly defined on the proposals map or in the text. The officer's report states that "there are 26 units within this frontage, 5 of which are currently in non-shop use which equates to less than one third." Assuming that the report refers to the single frontage between Kensington Mall and Berkley Gardens, there are in fact 28 and not 26 units, of which 20 (70%) are in Class A1 use. Allowing for the change of use of the subject premises, this percentage would fall to 67% (19 units in Class A1 use), still above the Council's threshold figure of 65%.

Concerns relating to the definition of shop frontages were considered by the UDP Inspector following the UDP Public Inquiry. The Inspector's Report (July 2001) states that although the UDP had been revised there is concern that the definition of shopping frontages could be taken to mean frontages on both sides of the principal shopping centres, between the same highway intersections rather than two separate frontages on opposite sides of the street. As the explanatory text refers to *individual* street frontages and parades, the Inspector considered it unlikely that this could be interpreted to relate to two separate frontages on opposite sides of the street. The Council, however, suggested additional wording, which has become a recommended change by the Inspector. The insertion of the words "on either side of the street" after "in any one street frontage" is therefore proposed. It is therefore assumed that calculations should include data from both sides of the street, which does not appear to be the case in the officer's committee report.

I also note that officer's report makes further errors. It states that, "of the 25 shops which make up the block of shops between Kensington Mall and Berkley Gardens 16 of these are antique or fine art retailer". This assertion is inconsistent with a previous statement that stated that there were 26 units. Our assessment demonstrates that there are in fact 28 units.

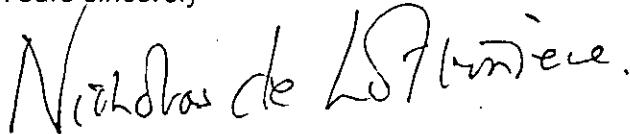
As a result of the above discrepancies and errors which have appeared in the officer's report, I am somewhat concerned that my clients' proposal may have been refused by the Committee on the basis of incorrect information. Furthermore, at their meeting with the planning officer and Mr French, it was suggested that some of the existing Class A2

premises may be operating without planning permission, but these units were still taken into account as Class A2 units in the officer's calculations.

I am also somewhat concerned that the Council's reason for the refusal of this proposal are unsustainable, and based solely on the special character of this part of the conservation area. I consider that they may not be supported by an appeal inspector.

As one of the Ward Councillors, I would be grateful if you could take account of the points raised above. I would also greatly appreciate the opportunity to discuss these matters in more detail and I look forward to hearing from you.

Yours sincerely



Nicholas HJ de Lotbiniere BSc MPhil MRICS  
Partner, Planning Department

Cc G Verhoef Esq  
S Orr-Ewing Esq

# NOTTING HILL GATE

**KEY**

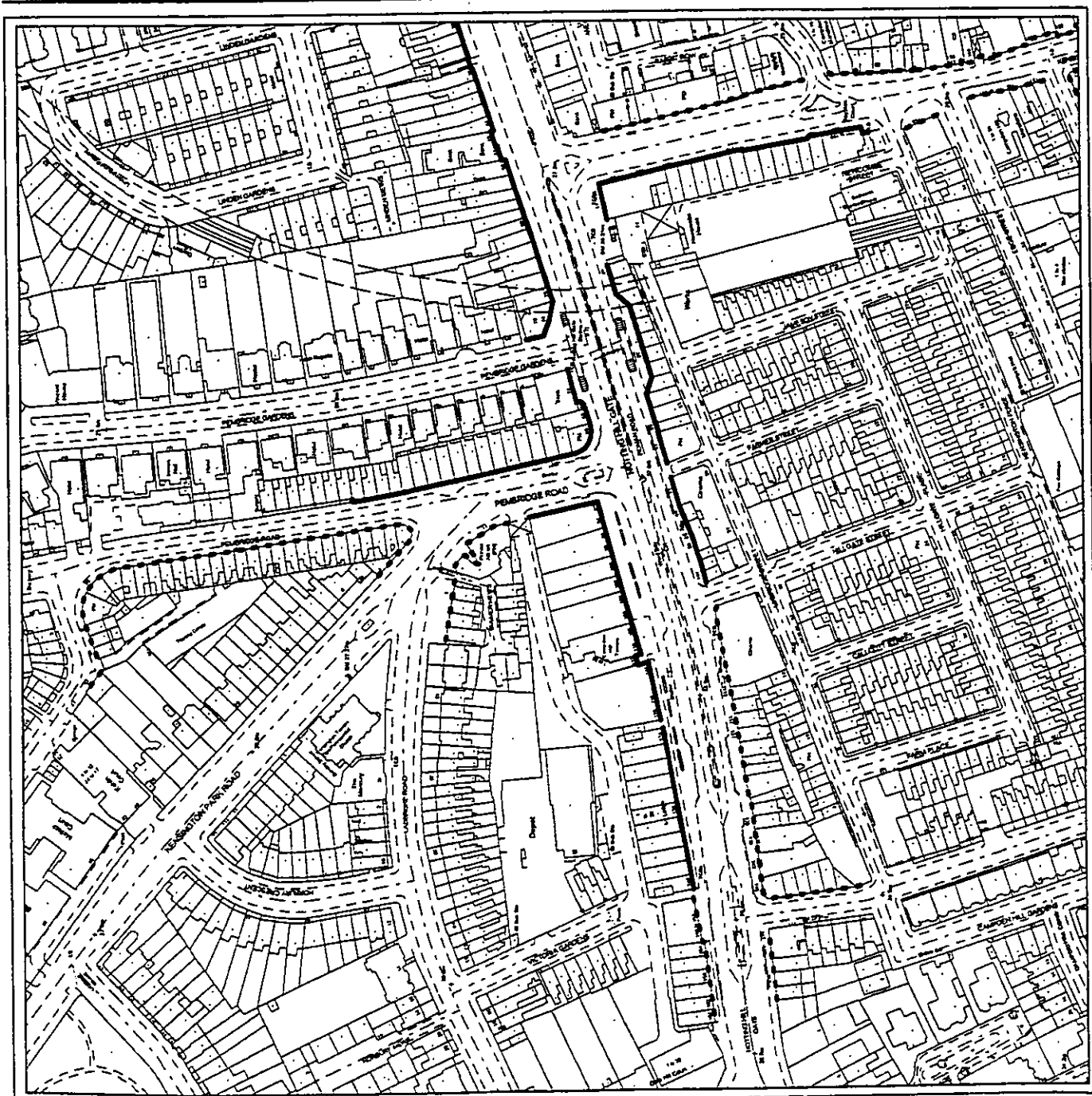
- Core Frontage
- - - Non Core Frontage

## Core Frontage

- 26-144 (even) Notting Hill Gate
- 47-101 (odd) Notting Hill Gate
- 203-237 (odd) Kensington Church Street
- 2-34 (even) Pembridge Road

## Non Core Frontage

- 8-24b (even) Notting Hill Gate
- 103-155 (odd) Notting Hill Gate
- 146-164 (even) Notting Hill Gate
- 1-7 (inclusive) Wellington Terrace (Notting Hill Gate) Road
- 186-196 (even) Campden Hill Road
- 1-3 (odd) Hillegate Street
- 11-59 (odd) Pembridge Road
- 1-7 (odd) Ladbrooke Road
- 7-15 (odd) Portobello Road
- 2-6 (even) Kensington Park Road
- 103-145 (odd) Kensington Church Street
- 106-206 (even) Kensington Church Street
- 71 Palace Gardens Terrace
- 1-7 (odd) Kensington Mall
- 2a Bedford Gardens
- 1-6 (inclusive) Campden Street



North ↑ Scale 1:2500

# NOTTING HILL GATE

**KEY**

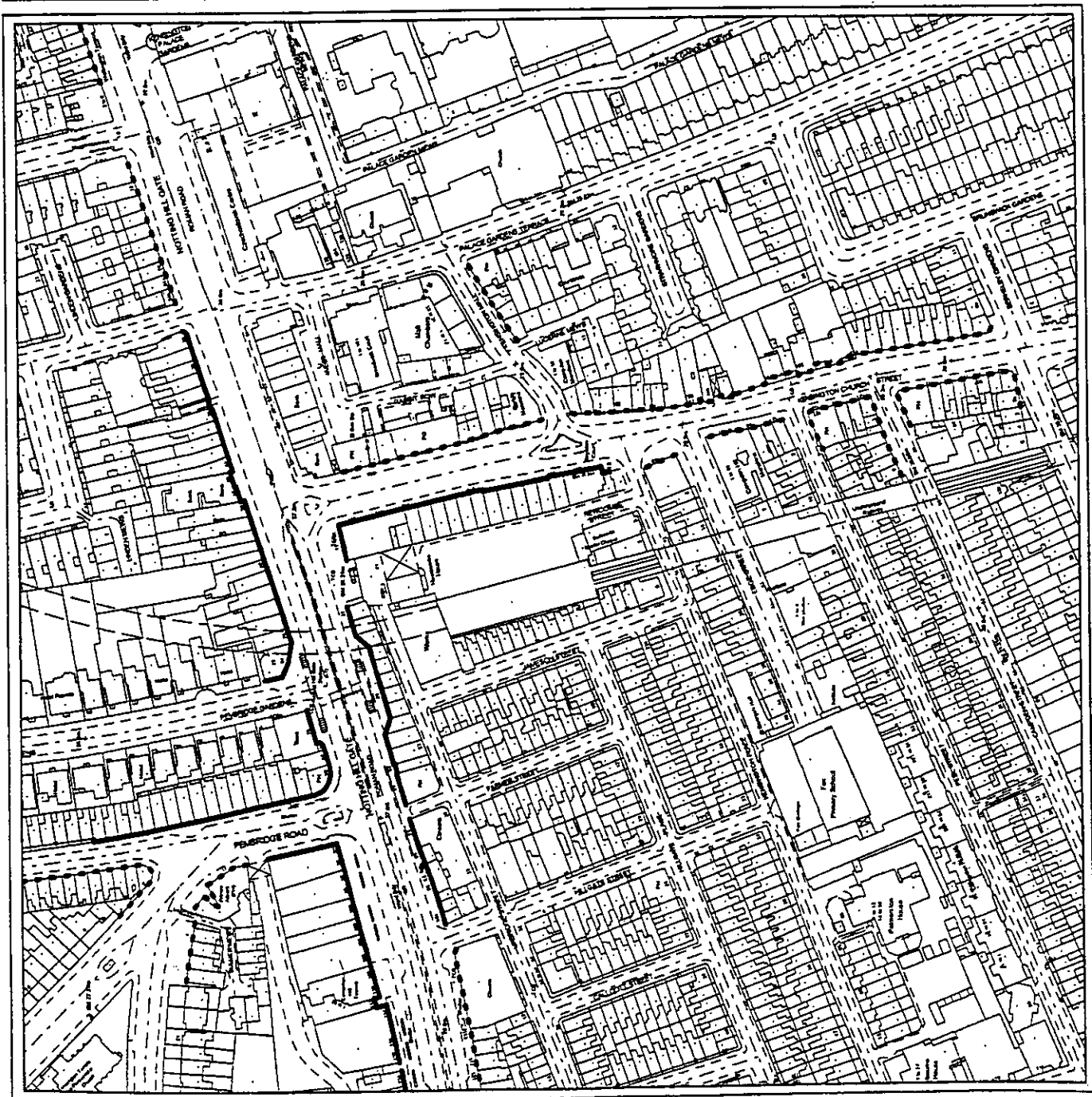
- Core Frontage
- - - Non Core Frontage

## Core Frontage

- 26-144 (even) Notting Hill Gate
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- 8-24b (even) Notting Hill Gate
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- 1-3 (odd) Hillegate Street
- 11-59 (odd) Pembridge Road
- 1-7 (odd) Ladbrooke Road
- 7-15 (odd) Portobello Road
- 2-6 (even) Kensington Park Road
- 103-145 (odd) Kensington Church Street
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- 1-7 (odd) Kensington Mall
- 2a Bedford Gardens
- 1-6 (inclusive) Campden Street



North ↑ Scale 1:2500



PRINCIPAL SHOPPING CENTRES SURVEY 2000

Notting Hill Gate PSC (UDP) JULY 2000

\*: core v: vacant r: refurbishment d: re/development

() = geographical marker

[] = unit which may be integrated into the shopping centre in the future

Core Number	Street	Status Description	UCO	Shop Name
	NOTTING HILL GATE (S)			
155/157	Notting Hill Gate	Restaurant/Bar	A3	NEW CULTURE REVOLUTION
153	Notting Hill Gate	Offices	A2	METRO
(151	NOTTING HILL GATE	RESIDENTIAL ACCESS)		
151	Notting Hill Gate	Launderette	SG	GATE CLEANERS
149/147	Notting Hill Gate	Restaurant	A3	EST, EST, EST
	CAMPDEN HILL ROAD			
[168	Campden Hill Road	Off Licence	A1	MAJESTIC]
	UXBRIDGE STREET			
[182/184	Campden Hill Road	Offices	B1	EARDLEY HOUSE]
186	Campden Hill Road	Printing Centre	A1	NICKEL PRESS LTD.
188	Campden Hill Road	Office	B1	GRIFFON FURNITURE LTD
190	Campden Hill Road	Estate Agents	A2	CHARD RESIDENTIAL LETTINGS
192/194	Campden Hill Road	Plant Hire Shop	A1	HSS HIRE SHOP
(196	Campden hill road	OFFICE ENTRANCE)		
	NOTTING HILL GATE			
145	Notting Hill Gate	Restaurant	A3	ASK
(143	Notting Hill Gate	Office Entrance)		
139/141	Notting Hill Gate	Off Licence	A1	ODDBINS
137	Notting Hill Gate	Restaurant	A3	PIZZA EXPRESS
135	Notting Hill Gate	Print Shop	A1	PRONTAPRINT
133	Notting Hill Gate	Restaurant	A3	ROTISSERIE JULES
129/131	Notting Hill Gate	Estate Agents	A2	FARON SUTARIA
127	Notting Hill Gate	Telephone Shop	A1	ONE TO ONE
125	Notting Hill Gate	Clothes	A1	FOUR SEASONS
123	Notting Hill Gate	Estate Agents	A2	TOWNENDS
(121	Notting Hill Gate	Residential access)		
119	Notting Hill Gate	Betting Office	A2	LADBROKES
117	Notting Hill Gate	Video Hire & Elect Equip	A1	VIDEO CITY
115	Notting Hill Gate	Restaurant	A3	LE PARADIS
113	Notting Hill Gate	Art/Framing Shop	A1	FRAME, SET & MATCH
(112	Notting Hill Gate	Residential access)		
111/103	Notting Hill Gate	Cinema	D2	CORONET CINEMA
	HILLGATE STREET			
1	Hillgate Street	Sandwich Bar	A1	FOOD ON THE HILL
3	Hillgate Street	Travel Agent	A1	THE PARTY PROFESSIONALS
	UXBRIDGE STREET			
[5-7	Hillgate Street	Estate Agents	A2	F W GAPP]
	HILLGATE PLACE			
[24	Hillgate Place	Public House	A3	THE HILLGATE]
	HILLGATE STREET			
[20	Hillgate Street	Restaurant	A3	IL CARRETTO]
[18	Hillgate Street	Restaurant	A3	COSTA'S FISH RESTAURANT]
[12-14	Hillgate Street	Restaurant	A3	COSTA'S GRILL]

PRINCIPAL SHOPPING CENTRES SURVEY 2000

Notting Hill Gate PSC (UDP) JULY 2000

\*: core v: vacant r: refurbishment d: re/development

() = geographical marker

[] = unit which may be integrated into the shopping centre in the future

Core Number	Street	Status	Description	UCO	Shop Name
[8	Hillgate Street		Restaurant	A3	ARLECHINO RESTAURANT]
[6	Hillgate Street		Coin Shop	A1	MICHAEL COINS]
	UXBRIDGE STREET				
[32	Uxbridge Street		Clothes	A1	ANTOINE ET LILI]
[30	Uxbridge Street		Restaurant	A3	THAI BREAK]
[13	Uxbridge Street		Public House	A3	THE UXBRIDGE ARMS]
[16	Uxbridge street	v	Vacant shop]		
[26	Uxbridge street		Resturant	A3	MALABAR]
[1	Uxbridge street		Offices	B1	WEST-1-TELEVISION]
	NOTTING HILL GATE (S)				
* 101	Notting Hill Gate	v	Bakery & Café	A1	DE BAERE
* 99	Notting Hill Gate		Gallery	A1	NOW SHOWING
* 97	Notting Hill Gate		Newsagent	A1	ZIBA LTD
* 91/95	Notting Hill Gate		Estate Agents	A2	FOXTONS
* 89	Notting Hill Gate		Estate Agents	A2	FARON SUTARIA
* 87	Notting Hill Gate		Café/Sandwich Bar	A3	DA MARIA CALDO TAVOLA
[87	Notting Hill Gate		Restaurant Entrance]		
* 87	Notting Hill Gate		Cinema	D2	THE GATE
	FARMER STREET				
[2-4	Farmer Street		Restaurant	A3	GATE]
	NOTTING HILL GATE				
* 83/85	Notting Hill Gate		Building Society	A2	WOOLWICH
* 69	Notting Hill Gate		College	D1	DAVID GAME COLLEGE
* 67	Notting Hill Gate		Fishmonger	A1	CHALMERS & GRAY
* 65	Notting Hill Gate		Computer Shop	A1	COMPUTER EXCHANGE
* 63	Notting Hill Gate		Newsagent	A1	ST. GEORGE'S NEWSAGENT
* 61	Notting Hill Gate		Travel Agent	A1	BRITALIA TRAVEL
* 59	Notting Hill Gate		Charity Shop	A1	THE CHARITY SHOP
* 57/55	Notting Hill Gate		Chemist	A1	CALDER
* 53	Notting Hill Gate		Coffee	A1	CAFE NERO
* 49/51	Notting Hill Gate		Supermarket	A1	CRISPINS
* 47	Notting Hill Gate		Travel Agent	A1	LONDON FLIGHT CENTRE
(45	Notting Hill Gate		office entrance)		
(39/41	Notting Hill Gate		Bookshop see 235/237 Ken. C	A1	WATERSTONES)
	KENSINGTON CHURCH				
[35	Notting Hill Gate		Bank	A2	BARCLAYS]
[33	Notting Hill Gate		Offices (Astley Ho)	B1	ENTRANCE TO OFFICES]
[31	Notting Hill Gate		Newsagent	A1	JALAS]
[29	Notting Hill Gate		Driving School Offices		B.S.M.]
[27/25	Notting Hill Gate		Bank	A2	HSBC
[23	Notting Hill Gate		Hairdresser	A1	HOMYS]
[21/19	Notting Hill Gate		Restaurant	A3	LE PIAF]
[17	Notting Hill Gate		Restaurant	A3	BERTORELLI]
[15	Notting Hill Gate		Estate Agents	A2	ANSCOMBE & RINGLAND]

PRINCIPAL SHOPPING CENTRES SURVEY 2000

Notting Hill Gate PSC (UDP) JULY 2000

\*: core v: vacant r: refurbishment d: re/development

() = geographical marker [] = unit which may be integrated into the shopping centre in the future

Core Number	Street	Status Description	UCO	Shop Name
<b>WELLINGTON TERRACE</b>				
1	Wellington Terrace	Public House	A3	THE CHAMPION
2	Wellington Terrace	Hairdresser	A1	LUCAS HAIR SALON
3	Wellington Terrace	Grocers	A1	LENA MARKET
4	Wellington Terrace	Estate Agents & Value Survey	A2	BRUTEN & CO.
5	Wellington Terrace	Café	A3	CAFÉ DIANA
6	Wellington Terrace	Restaurant	A3	PARK INN
7	Wellington Terrace	Employment Agency	A2?	MANPOWER
<b>NOTTING HILL GATE</b>				
[2/6	Notting Hill Gate	Employment Agency	A2	MANPOWER]
8	Notting Hill Gate	Estate Agents	A2	BUSHELLS
10	Notting Hill Gate	Sandwich Bar	A1	SARNIE ASYLUM
12	Notting Hill Gate	Launderette	SG	LAUNDERETTE
14	Notting Hill Gate	Restaurant	A3	DE AMICIS
16	Notting Hill Gate	Newsagent	A1	EMBASSY NEWS
18	Notting Hill Gate	Off Licence	A1	VICTORIA WINE
20	Notting Hill Gate	Charity Shop	A1	TRINITY HOSPICE CHARITY SHOP
22	Notting Hill Gate	Charity Shop	A1	RELIEF FUND FOR ROMANIA
24	Notting Hill Gate	Food Shop & Café	A1?	PANZER CAFE
24a	Notting Hill Gate	Umbrellas & Handbags	A1	BLAND & SON
24b	Notting Hill Gate	Bureau de Change/Ticket Sale	A2	NO NAME
<b>LINDEN GARDENS</b>				
* 26	Notting Hill Gate	Estate Agents	A2	MARSH & PARSONS
* 28	Notting Hill Gate	Supermarket	A1	BUYBEST
* 30	Notting Hill Gate	Bureau De Change	A2	MONEY EXCHANGE
* 32	Notting Hill Gate	Medical Centre	D1	NU HEALTH
* 34	Notting Hill Gate	Film Paraphernalia	A1	STAGE AND SCREEN
* 36/38	Notting Hill Gate	Record Shop	A1	MUSIC & VIDEO EXCHANGE
* 40	Notting Hill Gate	Take-away	A3	KEBAB MACHINE
* 40a-42	Notting Hill Gate	Record Shop	A1	MUSIC & VIDEO EXCHANGE
* 44	Notting Hill Gate	Restaurant & Take-away	A3	KENTUCKY FRIED CHICKEN
* 46/48	Notting Hill Gate	Bank	A2	NATIONAL WESTMINSTER
* 50	Notting Hill Gate	Bank	A2	LLOYDS
* 52	Notting Hill Gate	Photo Processing	A1	SNAPPY SNAPS
* 54	Notting Hill Gate	Print Shop	A1	KALL-KWIK
* 56	Notting Hill Gate	Music Shop	A1	MUSIC & VIDEO EXCHANGE
* 58/60	Notting Hill Gate	Restaurant	A3	DEEP PAN PIZZA CO.
* 62/62a	Notting Hill Gate	Employment Agency	A2	REED
* 64	Notting Hill Gate	Shoe Shop	A1	THE BOOTSTORE
* 66	Notting Hill Gate	Beer & Wine Shop	A1	ODDBINS
* 68	Notting Hill Gate	Stationers & Office Equipmen	A1	RYMAN
* 70	Notting Hill Gate	Optician	A1	DOLLAND & AITCHISON
* 72/74	Notting Hill Gate	Bookshop	A1	THE BOOK WAREHOUSE
<b>PEMBRIDGE GARDENS</b>				

PRINCIPAL SHOPPING CENTRES SURVEY 2000

Notting Hill Gate PSC (UDP) JULY 2000

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Core Number	Street	Status	Description	UCO	Shop Name
* 78	Notting Hill Gate		Bank	A2	ROYAL BANK OF SCOTLAND
* 88	Notting Hill Gate		Building Society	A2	ABBEY NATIONAL
* 90a	Notting Hill Gate		Bureau de Change	A2	DAYCHANGE LTD
* 90	Notting Hill Gate		Public House	A3	DEVONSHIRE ARMS
PEMBRIDGE ROAD					
* 92/94	Notting Hill Gate		Stationer & Books	A1	W.H.SMITHS
* 96/98	Notting Hill Gate		Chemist	A1	BOOTS
* 100	Notting Hill Gate		Restaurant & Take-away	A3	BURGER KING
* 102	Notting Hill Gate		Records	A1	OUR PRICE
* 104/106	Notting Hill Gate		Homecare & DIY	A1	TYLERS HOME CARE LTD.
* 108/112	Notting Hill Gate		Restaurant & Take-away	A3	MCDONALDS
* 114/120	Notting Hill Gate		Supermarket	A1	NISA EUROPA
* 124	Notting Hill Gate		Mobile Phone Shop	A1	CARPHONE WAREHOUSE
* 126-128	Notting Hill Gate		Public house	A3	ALL BAR ONE
* 130	Notting Hill Gate		Furniture	A1	VIVA SOFA
* 132/136	Notting Hill Gate		Clothes Shop	A1	GAP
* 138	Notting Hill Gate		Futons & Furnishings	A1	THE FUTON COMPANY
* 140	Notting Hill Gate		Café	A3	STARBUCKS COFFEE
* 142	Notting Hill Gate		Beauty Treatment	A1	JOY WESTON
* 144	Notting Hill Gate		Charity Shop	A1	OXFAM
146/152	Notting Hill Gate		Restaurant	A3	THE PHARMACY
154	Notting Hill Gate		Delicatessen	A1	OUTPATIENTS
156	Notting Hill Gate		Dry Cleaners	A1	KENSINGTON VALETING CO.
158	Notting Hill Gate		Hairdresser	A1	BLADE RUNNERS
160/162	Notting Hill Gate		Kitchen Furniture	A1	J.U KITCHEN CONSULTANTS LTD
164	Notting Hill Gate		Clothes	A1	PHASE EIGHT
LADBROKE ROAD					
1	Ladbroke Road		Antiques	A1	MERCURY ANTIQUES
3	Ladbroke Road		Hairdresser	A1	SALA NOVA HAIRDRESSING
5	Ladbroke Road	v	Café	A3	QUEEN ELIZABETH LAUNDRY
7	Ladbroke Road		Restaurant	A3	AURUM
KENSINGTON PARK ROAD					
2	Kensington Park Road		Restaurant	A3	CALZONE
4/6	Kensington Park Road		Estate Agents (also 13 Pem. R	A2	MARSH & PARSONS
PEMBRIDGE ROAD (W)					
11	Pembridge Road		Public House	A3	PRINCE ALBERT
11a	Pembridge Road		Grocers/Off Licence	A1	BINA
(13	Pembridge Road		Estate Agents (see 4/6 Ken Pk	A2	MARSH & PARSONS)
15/17	Pembridge Road		Antiques	A1	SEBASTIANO BARBAGALLO
19	Pembridge Road	v	Take-away	A3	SLOWBOAT
21	Pembridge Road		Travel Agent	A1	LATITUDE 40
23	Pembridge Road		Antiques	A1	JACK CASIMIR
25	Pembridge Road		Clothes	A1	DISPENSARY
27	Pembridge Road		Toysshop	A1	MIMI FIFI

PRINCIPAL SHOPPING CENTRES SURVEY 2000

Notting Hill Gate PSC (UDP) JULY 2000

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Core Number	Street	Status	Description	UCO	Shop Name
29	Pembridge Road		Restaurant	A3	MODHUBON
31	Pembridge Road		Jewelers	A1	CAIRA MANDAGLIO
33	Pembridge Road		Wallpaper Shop	A1	JOHN OLIVER
35	Pembridge Road		Restaurant	A3	THE ORGANIC RESTAURANT
37/39	Pembridge Road		Jewelers/Ceramics	A1	FRONTIERS
41	Pembridge Road		Furniture Shop	A1	VISTO
43	Pembridge Road		Art Gallery	A1	JAPAN PRINT GALLERY
45	Pembridge Road		Clothes	A1	HAVE A NICE DAY
47	Pembridge Road		Clothes	A1	COLIN
49	Pembridge Road		Clothes	A1	ARMY CLASSICS
51	Pembridge Road		Clothes	A1	DOLLY DIAMOND
53	Pembridge Road		Furniture	A1	SOLID FLOOR
55	Pembridge Road		Clothes	A1	MARIBOU
57a	Pembridge Road		Art Gallery & Shop	A1	MAN TO MAN
57b	Pembridge Road		Clothes	A1	NATURAL SELECTION
59	Pembridge Road		Antiques	A1	HIRST
PORTOBELLO ROAD					
7	Portobello Road		Public House	A3	SUN IN SPLENDOUR
9	Portobello Road		Café	A3	MARNIES
(11	Portobello Road		Residential)		
13	Portobello Road		Gift Shop	A1	SPICES AND RICES
15	Portobello Road		Clothes	A1	SALE SHOP
[6	Portobello Road		Hotel	C1	GATE HOTEL]
PEMBRIDGE ROAD (E)					
[42	Pembridge Road		Doctor's Surgery		MUMTAZ
[38	Pembridge Road		Dental Surgery		STEPHEN FENNY]
* 34	Pembridge Road		Retail	A1	RETRO RETAIL EXCHANGE
* 32	Pembridge Road		Clothes	A1	RETRO
* 28/30	Pembridge Road		Record Shop	A1	MUSIC & VIDEO EXCHANGE
* 26	Pembridge Road		Coffee Shop	A3	STARBUCKS
* 24	Pembridge Road		Restaurant & Take-away	A3	MANZARA RESTAURANT
* 22	Pembridge Road		Artists Materials	A1	THE PRINT GALLERY
* 20	Pembridge Road		Antiques	A1	RETRO
* 18	Pembridge Road		Supermarket	A1	BUYBEST
* 16	Pembridge Road		Laundry (reception)	A1	MAYTIME
* 14	Pembridge Road		Bookshop	A1	BOOK & COMIC EXCHANGE
* 12	Pembridge Road		Chemist	A1	DENNIS & CO.
* 10	Pembridge Road		Amusement Arcade	SG	THE WINNING LINE
* 8	Pembridge Road		Coffee Shop	A3	COFFEE REPUBLIC
[8	Pembridge Road		Office Entrance]		
* 6	Pembridge Road		Newsagent	A1	MCCOLL'S
* 4	Pembridge Road		Gift Shop	A1	JANE KAHN
* 2	Pembridge Road		Bureau de Change	A2	HALEP CHANGE
KENSINGTON CHURCH					

PRINCIPAL SHOPPING CENTRES SURVEY 2000

Notting Hill Gate PSC (UDP) JULY 2000

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(.) = geographical marker

[ ] = unit which may be integrated into the shopping centre in the future

Core Number	Street	Status	Description	UCO	Shop Name
206	Kensington Church Street		Public House	A3	THE RAT & PARROT
(202	Kensington Church Street		Office Entrance)		
200	Kensington Church Street		Betting Office	A2	WILLIAM HILL
190	Kensington Church Street		Post Office	A1	POST OFFICE
188	Kensington Church Street	v	Office	B1	NETTECH PLC
186	Kensington Church Street		Office	B1	PRESSNET
184/182	Kensington Church Street		Health Clinic	D1	THE GROVE
180	Kensington Church Street	v	Antiques	A1	TOUBIAN ANTIQUES LTD
178	Kensington Church Street		Antiques	A1	NASSIRZADEH
176	Kensington Church Street	v	Antiques	A1	A & P GALLERY
174	Kensington Church Street		Pink Accessories	A1	THE PINK ROOM
174a	Kensington Church Street		Antiques	A1	DYALA SALAM
KENSINGTON MALL					
[2	Kensington Mall		Picture Framers	A1	SEBASTIAN D'ORSAY]
7	Kensington Mall		Hat Shop	A1	HAT HOUSE
10	Kensington Mall		Residential	C3	CARLYLE MANSIONS
(5	Kensington Mall		Residential)		
3	Kensington Mall		Puppets & Masks	A1	PUPPETS & MASKS
1	Kensington Mall		Interior Designers	A1	GATCH
PALACE GARDENS TER					
71	Palace Gardens Terrace		Public house	A3	MALL TAVERN
[120/124	Palace Gardens Terrace		Restaurant	A3	ARK]
[132	Palace Gardens Terrace		Bookshop	A1	NOTTING HILL BOOKS]
KENSINGTON CHURCH					
172	Kensington Church Street		Estate Agents	A2	BERKELEY INTERNATIONAL
170	Kensington Church Street		Antiques	A1	PETER KEMP
168/166	Kensington Church Street		Chandelier Shop	A1	MRS.M.E.CRICK
(164	Kensington Church Street		residential access		
162	Kensington Church Street		Estate Agents	A2	JOHN D. WOOD
160	Kensington Church Street		Art Deco Shop	A1	JOHN JESSE LTD
(158	Kensington Church Street		Residential Access)		
156	Kensington Church Street		Antiques	A1	DENTON
154	Kensington Church Street		Antiques	A1	C.H.MAJOR
152	Kensington Church Street		Antiques	A1	PATRICK SANDBERG
148/146	Kensington Church Street		Timber Dealer Office	A1	JOSEPH YATES
144	Kensington Church Street		Pottery	A1	RICHARD DENNIS
140/142	Kensington Church Street		Antiques	A1	G FREDRICKS AND SON
138	Kensington Church Street		Antiques	A1	YANG GUIFEI
136	Kensington Church Street		Accountants Office	B1	ROBERTS & CO.
134	Kensington Church Street		Art/Antiques	A1	J.A.N. FINE ART
132	Kensington Church Street		Art/Antiques	A1	GREG BAKER
128/126	Kensington Church Street		Publishers Office	B1	STACEY INTERNATIONAL
122/124	Kensington Church Street		Restaurant	A3	CLARKE'S
120	Kensington Church Street		Antiques	A1	S.MARCHANT & SON

PRINCIPAL SHOPPING CENTRES SURVEY 2000

Notting Hill Gate PSC (UDP) JULY 2000

\*: core v: vacant r: refurbishment d: re/development

() = geographical marker

[] = unit which may be integrated into the shopping centre in the future

Core Number	Street	Status	Description	UCO	Shop Name
118	Kensington Church Street		Estate Agents	A2	WINKWORTH
116	Kensington Church Street		Antiques	A1	JORGE WELSH
114	Kensington Church Street		Antiques	A1	STOCKSPRING ANTIQUES
112	Kensington Church Street		Grocers	A1	K.S.R. FOODS
110	Kensington Church Street		Clothes	A1	COCOON COATS
108	Kensington Church Street		Antiques	A1	PAMELA TEIGNMOUTH & SON
106	Kensington Church Street		Antiques	A1	EDDY BARDAWIL
BERKLEY GARDENS					
[104	Kensington Church Street		Flower Shop	A1	PONT]
[104b	Kensington Church Street		Hairdresser	A1	MOSTAFA]
[104a	Kensington Church Street		Antiques	A1	BRIAN ROLLESTON]
[97a,b	Kensington Church Street		Antiques	A1	LEV ANTIQUES]
[97c	Kensington Church Street		Antiques	A1	ELLA GRAHAM]
[99	Kensington Church Street		Tile Shop	A1	EUROPEAN HERITAGE]
[101	Kensington Church Street		Oriental Art	A1	BERWALD]
[101b	Kensington Church Street		Antiques	A1	COHEN & COHEN]
BEDFORD GARDENS					
2a	Bedford Gardens	r	Chartered Surveyors	A2	RICHARD BIRCHILL ASSOCIATES
KENSINGTON CHURCH					
103	Kensington Church Street		Estate Agents	A2	AYLESFORD & CO.
105	Kensington Church Street		Antiques	A1	HASLAM & WHITEWAY
107	Kensington Church Street		Antiques	A1	GARY ATKINS
109	Kensington Church Street		Antiques	A1	SIMON SPERO
111	Kensington Church Street		Antiques	A1	H & W DEUTSCH
113	Kensington Church Street		Antiques	A1	DAVID BROWER
115	Kensington Church Street		Picture Framing	A1	THE ROWLEY GALLERY
117	Kensington Church Street		Antiques	A1	GREEN'S ANTIQUE GALLERIES
119	Kensington Church Street		Public House	A3	THE CHURCHILL ARMS
CAMPDEN STREET					
1	Campden Street	r	Antiques	A1	A.V. & M.R. SANTOS
2	Campden Street		Antiques	A1	VALARIE HOWARD
3/4	Campden Street		Antiques	A1	RODERICK JELICOE
5	Campden Street		Finance Office	A2	SIMMONS FINANCE GROUP
6	Campden Street		Travel Agent	A1	EUROPE STUDENT TRAVEL
KENSINGTON CHURCH					
121	Kensington Church Street	r	Antiques	A1	NO NAME
121a	Kensington Church Street	r	Antiques	A1	MARY COOKE
123	Kensington Church Street		Antique Paintings	A1	LUCY B. CAMPBELL
125	Kensington Church Street		Antiques	A1	DECOR
127/129	Kensington Church Street		Café	A3	CAFÉ FLO
PEEL STREET					
131a	Kensington Church Street		Antiques	A1	HOPE & GLORY
131d	Kensington Church Street		Antiques	A1	LIBRA ANTIQUES
131e	Kensington Church Street		Flower Shop	A1	CANADA FRENCH

PRINCIPAL SHOPPING CENTRES SURVEY 2000

Notting Hill Gate PSC (UDP) JULY 2000

\*: core v: vacant r: refurbishment d: re/development

( ) = geographical marker

[ ] = unit which may be integrated into the shopping centre in the future

Core Number	Street	Status	Description	UCO	Shop Name
131	Kensington Church Street		Antiques	A1	ROBERT HALES
133	Kensington Church Street		Antiques	A1	SUKMANO
135	Kensington Church Street		Restaurant	A3	LA CANDELA
137	Kensington Church Street		Antiques	A1	THROUGH THE LOOKING GLASS
139	Kensington Church Street		Health Food	A1	HOLLAND & BARRETT
141	Kensington Church Street		Antiques	A1	MAHS ANTIQUES
	EDGE STREET				
145	Kensington Church Street (Kensington Church Street KENSINGTON PLACE		Estate Agents & Architects Residential - Royston Court)	A2	SAVILLS
* 203/209	Kensington Church Street		Restaurant	A3	KENSINGTON PLACE
* 211	Kensington Church Street		Off Licence	A1	LEA & SANDEMAN
* 213	Kensington Church Street		Electrical Goods	A1	OLYMPIC ELECTRONICS
* 215-217	Kensington Church Street	r	Restaurant	A3	LA BARRACA
* 219	Kensington Church Street		Antiques	A1	SINAI ANTIQUES
* 221	Kensington Church Street		Antiques	A1	SINAI ANTIQUES
* 223	Kensington Church Street		Soft Furnishings Shop	A1	DE WINTER
* 225	Kensington Church Street		Baker	A1	THREE COOKS
* 227	Kensington Church Street		Dry Cleaner (On premises)	A1	JOHNSON'S
* 229	Kensington Church Street		Hair Centre	A1	TRENDCO ALTERNATIVE HAIR CENTER
* 237/235	Kensington Church Street		Bookshop	A1	WATERSTONES



Appeal. CA

# Winkworth Franchising Ltd

PROPRIETOR OF THE **Winkworth** NAME  
 118a Kensington Church Street, London, W8 4BH  
 (Marketing & IT) Tel: 020 7727 0576 Fax: 020 7792 9203  
 (Accounts) Tel: 020 7727 0894 Fax: 020 7727 0227  
 E-mail: franchisor@winkworth.co.uk  
 www.winkworth.co.uk

DC Ack.  
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 22-1-02.

17 January 2002

*Handwritten signature*  
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Chief Planner  
 The Royal Borough of Kensington and Chelsea  
 Planning and Conservation  
 The Town Hall  
 Hornton Street  
 LONDON  
 W8 7NX

For the attention of: Miss N. Cowley

Dear Sirs

Re: **Planning Application Ref. PP/01/1227**  
**110 Kensington Church Street, London W8**

We refer to the above planning application for a change of use at the above-mentioned address.

## INTRODUCTION

Kensington Church Street is predominately occupied by antique shops, which create a tourist attraction, serious browsing from tourists and antique traders. The antique traders also encourage later trading with "open" evenings. Kensington Church Street is therefore regarded as a "character" street.

## A2 Use/Dead Frontage

Notting Hill Gate's main thoroughfare is suffering from considerable rent increases and as it is highly likely that specialist shops based in Notting Hill will seek a secondary location, it is important that retail frontage is retained in Kensington Church Street for retail. In addition, the local residents' associations are anxious that the allocation of retail outlets in the area is increased. The presence of another estate agency frontage in Kensington Church Street would upset the current balance between agencies and antique shops.

All franchises are independently owned and operated.

LONDON CENTRAL Clerkenwell & City, Kensington, Knightsbridge, Notting Hill, Paddington & Bayswater, Pimlico, St John's Wood, Shoreditch, South Kensington, West End LONDON WEST Chiswick, Ealing & Acton, Fulham, Fulham Cross, Hammersmith, Ladbrooke Grove, Shepherd's Bush LONDON SOUTH of the RIVER Battersea, Blackheath & Greenwich, Clapham, Croydon, Dulwich, Kennington, New Cross, Putney, Streatham, Surrey Quays, Tooting LONDON EAST Bow, Hackney, Stratford LONDON NORTH Crouch End, Finchley, Golders Green, Hendon, Highgate, Islington, Kentish Town SPECIALIST SERVICES Auctions, Central London Management, Chartered Surveyors  
 Out of London Offices: SHEFFIELD Beauchief & Greenhill, Campo Lane, Dronfield, Hillsborough NORTHAMPTONSHIRE Wellingborough

Registered Office: 118a Kensington Church Street, London W8 4BH. Co. Reg. in England No. 3950111

Estate agency businesses create a competitive environment and provide a service. However, an excessive presence of estate agents with extensive A2 frontage can lower the quality of the street for retailers and, indeed, lower the quality of the estate agency service itself.

Local people, certainly, are of the opinion that the area is already well served by estate agents and that the addition of another would not benefit the area and most residents consider there to be enough at 13 major shops plus several small shops currently used by estate agents.

The applicants provide no extra service that is not already catered for by all thirteen agents.

### **Trading Standards and Environmental Health**

I am sure the planners are aware of the fact that a surplus of the same service similar traders in an area can lead to a deterioration of standards due to competition. In the case of estate agents, this can be seen in the instance of "fly boarding" – an unhealthy and unpopular practice which leads to untidy streets and bad publicity for the area. Furthermore, policing estate agents for such practices adds to the local authority costs. In the case of antique shops, the more shops there are within the same area, this is to the benefit of the shops and people. A proliferation of antique shops as there are benefits Kensington Church Street.

We respectfully urge you to REFUSE this application.

### **PERSONAL COMMENTS**

As an estate agent established in the area I cannot, of course, pretend to be unbiased towards the idea of extra competition. However, I am giving you my views not only as a senior member of the profession but also as a resident of the area for over 30 years and, as a member of the planning committee of the Cherry Trees Residents' Association, I echo their view that retail trade should be encouraged in Kensington Church Street.

Yours sincerely



Simon P. Agace FRICS

**Re: inaccuracies with officer's report**

The enforcement issue is hanging in the air. A search of the planning records seems to confirm all but one A2 use as authorised. Further action may in any event be best left until the outcome of this appeal.

There are two separate issues addressed by the proposal:

- 1) Retail and compliance with UDP Shopping Policy, and
- 2) Character & appearance of the Conservation Area.

The two issues are not mutually exclusive. They are interlinked to a degree. However, the application was not determined because of its conflict with UDP shopping policy.

Planning permission was refused because of the adverse impact to the character and appearance of the conservation area.

Nevertheless, Policy Team are adamant that their calculations are correct in relation to the UDP Shopping Policy. The proposal conflicts with the adopted UDP but just complies with the proposed alterations. Part of our appeal statement of case is that this only just compliance is indicative of the fragility of the location's character. There may therefore remain further reason for dispute.

Grimley's are correct in that the Officer's Report does not set out, in detail, the calculations by which the Policy assessment was reached, only a brief synopsis is provided. More detail is found in the Policy Obs. which remain as background documents.

However, Policy are adamant that their calculations are correct.

They have revisited their calculations in response to Grimley's letter, but dispute Grimley's calculations and even their assessment of what property's comprise the Shopping Centre.

Both the initial Policy Obs. and their reassessed figures with a fuller explanation are included in the Statement for the Informal Hearing for both the Inspector and Grimley's to agree or disagree with.

Informal Hearing: 10.00 am. 30<sup>th</sup> April.