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PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. D. Shorland,
The Planning Inspectorate,
3/07 Kite Wing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN

Switchboard: 020 7937 5464
Direct Line: 020 7361 2082
Facsimile: 020 7361 3463
Web: www.rbkc.gov.uk



KENSINGTON
AND CHELSEA

05 November 2001

My reference: DPS/DCN/SW/ PP/01/00945 Your reference: APP/K5600/A/01/ 1070716 Please ask for: Mrs. S. Wilden

Dear Sir,

Town and Country Planning Act 1990
8 Bassett Road, W10

I refer to the appellants' submission concerning the above appeal, accompanying your letter of 8th October. The submission enclosed two new drawings, 670/PL17A and 670/PL18A, which they state correctly show the relationship between the proposed development and the existing rear extension.

In the interests of clarity, the Council has no objection to the introduction of these drawings at this stage. However, the council is concerned that the drawings confirm that the new rear extension would indeed project 400mm rearward of the existing.

As explained in previous submissions, the existing extension is already considered overlarge in its projection well beyond the original rear building line and would be unlikely to be acceptable under current policies. This is because the Unitary Development Plan contains a more detailed policy relating to rear extensions than its predecessor the District Plan (adopted 1982), i.e. Policy CD41, of which criteria (a), (b) and (h) would have been particularly relevant. In addition other changes to the policy context, eg. Planning Policy Guidance 15 (1994) the Oxford Gardens St. Quintin Conservation Area Policy Statement (1990) together with appeal decisions mean that development in Conservation Areas tends to be assessed more rigorously now than previously.

However, the increased bulk of the rear extension is only one element of the Council's reason for objection. The newly submitted drawings 670/PL17A and 670/PL18A also assist in assessment of the proposed detailed design by clarifying the extent of projections and recesses on the flank elevations. (The ambiguities in this respect were mentioned in the Council's letter dated 14th September 2001 p.4 paragraph 1). As previously stated the overhanging of the basement by the ground floor is not traditional to Victorian architecture and exacerbates the unsympathetic appearance of other elements of the proposed development.

R

The Council has examined the proposal taking account of the design of the existing rear extension and has concluded that the proposed replacement, together with the "infill" extension, would be out of character and cause demonstrable harm to the appearance of the building because of its increased bulk and jarring design. Therefore, the Council concluded that the development would erode the character and appearance of the Conservation Area, contrary to local and central government policy.

Yours faithfully



Derek Taylor
Area Planning Officer for the
Executive Director, Planning and Conservation

FAX FROM

NAME: Mrs S. WILDEN

THE DIRECTORATE OF PLANNING SERVICES ON

DATE: 5.11.01

MAIN TELEPHONE NUMBER: 020 7937 5464

DIRECT LINE: 020 7361 2082

FAX NUMBER (if different from below): _____

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

TO

NAME: Mr D. SHORLAND

OF: PLANNING INSPECTORATE

ADDRESS: 3/07 KITE WING, TEMPLE QUAY HOUSE,
2 THE SQUARE

BRISTOL

POSTAL CODE BS1 6PN

FAX NUMBER: 0117 372 8443

NUMBER OF PAGES TO FOLLOW: 4

COMMENTS AND/OR INSTRUCTIONS (if any)

PLEASE FIND TO FOLLOW 2 COPIES OF
LETTER REFERRING TO APPELLANTS'
LATE SUBMISSION OF AMENDED DRAWINGS RE

8 BASSETT RD, W10

YOUR REF - APP/KS600/A/01/1070716

OUR FAX NUMBER IS: 020 7361 3463

** JOB STATUS REPORT **

AS OF 05 NOV 2001 3:19 PM PAGE. 01

R B K C

JOB #250

DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	STATUS
001 11/05	3:17P	01173728443	EC--S	01' 02"	005	OK L1

TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF
PLANNING &
CONSERVATION

MY REF(S): HD/PP/0945 :

YOUR REF:
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 3852

DATE: 20.11.01

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL 8 BASSETT ROAD W.10 .

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
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EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION
HEAD OF DEVELOPMENT CONTROL
APPEALS OFFICER
NORTH
CENTRAL
SOUTH-EAST
SOUTH-WEST
INFORMATION OFFICE
FORWARD PLANNING..... G. FOSTER
DESIGN..... D. MCDONALD
STATUTORY REGISTER
FILE(S)
SYSTEMS..... C.PEACH



The Planning Inspectorate

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

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

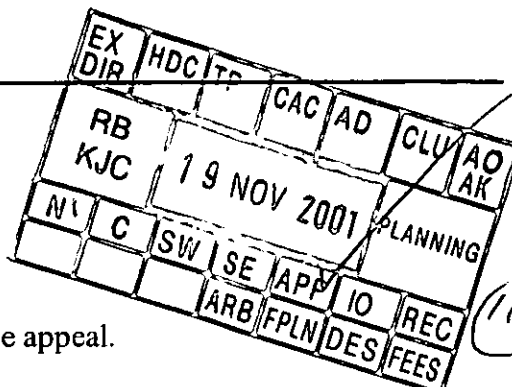
Direct Line 0117-3728930
Switchboard 0117-3728000
Fax No 0117-3728443
GTN 1371-8930

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/01/00945/CHSE
Our Ref: APP/K5600/A/01/1070716
Date: 15 November 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A WELDON
SITE AT 8 BASSETT ROAD, LONDON, W10 6JJ



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

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

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

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

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

A. Burden

PP Mr Dave Shorland

COVERDL1



Appeal Decision

Site visit made on 06 November 2001

by **Steven Fox BA MA 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

Appeal Ref: APP/K5600/A/01/1070716

8 Bassett Road, London W10

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- Mr A Weldon makes the appeal against the decision of Royal Borough of Kensington & Chelsea.
- The application (ref:PP/01/00945/CHSE), dated 19 April 2001, was refused by notice dated 26 June 2001.
- The development proposed is alterations including demolition of existing basement and ground floor rear extension, erection of ground floor rear extensions, roof alterations and formation of plant room/store beneath front garden..

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. As part of the appeal documentation the appellant has submitted amended drawings ref. 670/PL17A and 670/PL18A in substitution for application drawings (as revised) ref. 670/PL07A and 670/PL08A. The amendments to these drawings arise from the Council's concern about the accuracy of the originals regarding the existing rear extension. The new drawings clarify the position and I have taken these revisions into account because they do not change the nature of the scheme which was refused by the Council.

Main Issues

2. The Council does not object to the proposed works at basement level at the front of the building or to the proposed recessed dormer on the front roof slope. I agree with this view, these works would not materially alter the appearance of the front of the house and therefore would not affect the important contribution it makes to the character and appearance of the Bassett Road frontage.
3. With this in mind and from what I have seen and read I consider the main issue to be the effect of the proposed rear extension on the character and appearance of its surroundings.

Planning Policy

4. The relevant strategic policies of the adopted Unitary Development Plan (UDP) give overall priority to the protection and enhancement of the residential character of the Borough and seek to preserve or enhance the character or appearance of conservation areas and promote high design standards. These general objectives are carried through to policy CD25, which requires all development to be of a high standard of design and be sensitive to its

surroundings. Policies CD52, CD53 and CD56 concern development in conservation areas and require the design of new development to be compatible with surrounding development (CD53) and resist unsympathetic small-scale development (CD56). There is a specific policy relating to rear extensions (CD41) which sets out the relevant considerations, including the relationship to neighbouring extensions and to existing buildings in terms of scale and design. Alterations to the UDP have been the subject of a public local inquiry, with the publication of the Inspector's report in July 2001. These alterations amended policies CD25, CD41 and CD56 and because the statutory process is well advanced I attach significant weight to them.

5. The Oxford Gardens St Quintin Conservation Area Proposals Statement seeks to ensure that development contributes to the preservation or enhancement of the character or appearance of the area, and gives general advice on rear and side extensions and on the types of window which are acceptable in this particular area. I consider this document to be material and to carry significant weight because it was prepared after public consultation and liaison with residents and interest groups.

Inspector's Reasons

6. The appeal property is an imposing three-storey detached house with a basement, standing within the Oxford Gardens St Quintin Conservation Area on the north side of Bassett Road, some 60 m west of its junction with Ladbroke Grove. At the rear the original building has a pitched roof basement and ground floor extension with an external spiral metal staircase, a first-floor glazed conservatory enclosing the north-western quarter of the building and, below this, a glass roofed porch at basement level.
7. The back of the appeal property is not visible from public viewpoints but nonetheless the relatively short private rear gardens of the houses on the Bassett Road, together with the adjoining gardens of properties on Chesterton Road to the north, are not seen as isolated aspects of the wider area. Views along the backs of the buildings and across the mature gardens, many of which have established trees, make an important contribution to the attractive residential character of the area.
8. A number of other properties nearby, including nos. 4 and 6, have had rear extensions added and whilst these vary in height and bulk in the main they are flat roofed structures. The appearance of the present extension at no. 8 is unexceptional, and the Council has no objection in principle to its replacement. However, the Council considers that the appeal proposal is unacceptable primarily because of its bulk and design.
9. I do not consider that in the context of its surroundings, which include a variety of other rear extensions to nearby properties, it is necessary that the replacement extension slavishly fits the footprint and mirrors the scale of the existing extension. The proposal should be considered on its own merits, with the main considerations being firstly whether its scale is such that it is subordinate to the parent building and in keeping with the wider setting and, secondly, whether the design is sympathetic to the existing building and its immediate surroundings.
10. The proposed extension and associated conservatory would not appear unduly bulky. I consider that it would be a modest and subservient addition to the main building and would not impose itself on the host building in an incongruous manner or detract from the character and appearance of its immediate surroundings. In terms of design I consider that

the flat roof extension would be more in keeping with the parent building and the property's immediate surroundings than the existing pitched roof structure. The incorporation of features which are not found on the main building does not necessarily mean that the extension would have an unsympathetic appearance. Because of their scale and the relationship of the basement to the level of the rear garden the glazed areas at the lower level would not be unduly prominent or give the extension an unbalanced appearance. In this respect I note that that policy CD41(i) suggests that a relaxation of the detailed design criteria may be made at basement level. The oversailing of the basement would not give the impression of a top heavy or unbalanced structure because of the narrowness of the overhang. The proposed ground floor windows of the conservatory are not unsympathetic in terms of their size and position and would not detract from the vertical emphasis of the main building to the extent that they would be seen as discordant elements.

11. Having considered the scale and overall and detailed design of the proposed development to the rear of the appeal property I conclude that it would be visually subordinate to the main building and in keeping with its surroundings. Consequently it would preserve the character and appearance on the conservation area and accord with the development plan policies and advice referred to above.
12. I have taken into account all other matters raised, including the appeal decisions referred to by the Council. The appeal before me has been considered on its own merits and I find that there are no compelling planning objections to the proposed development.
13. The Council has suggested a number of conditions which it would like to see imposed if planning permission were granted. It is important that existing materials and finishes associated with the scheme, including the painting of windows and doors, match those of the existing building, and conditions to ensure this, along the lines suggested, are necessary and appropriate. Also, in order to ensure that the recessed front dormer and rear roof lights are in keeping with the parent building and minimise disruption to the rooflines I consider that full details of these features should be submitted and approved. Because the carrying out of works may affect existing trees, in particular that on the frontage immediately outside the appeal property, it is necessary to ensure by condition that appropriate protection measures are taken.

Formal Decision

14. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for alterations including the demolition of existing basement and ground floor rear extensions, erection of basement and ground floor rear extensions, roof alterations and formation of plant room/store beneath the front garden at 8 Bassett Road, London W10 in accordance with the terms of the application No: PP/01/00945/CHSE dated 19 April 2001, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) All new work and work of making good shall be finished to match the existing original work in respect of materials, colour, texture, and profile and, in the case of brickwork, facebond and pointing unless otherwise approved in writing by the local planning authority.

- 3) All new windows and doors shall be timber framed with painted finish.
- 4) No development shall take place until details of the front recessed dormer and the rear roof lights hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall not be carried out otherwise than in accordance with the approved details.
- 5) No development shall take place until full particulars of the methods by which all existing trees on the site and the trees growing in the street outside the site are to be protected during the carrying out of the development hereby permitted have been submitted to and approved in writing by the local planning authority, and the protection so approved shall be provided before the commencement of the development and maintained throughout the carrying out of the development hereby permitted.

Information

15. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.
16. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.
17. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
18. Attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

Steven Fox.

STEVEN FOX
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.

blu + peach + sw

copy to CC 22/3
+ file

GUY STANSFELD ARCHITECTS

✓ 22/3

20th March 2002

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

For the attention of Sara Wilden

Dear Ms. Wilden

Re: **8 BASSETT ROAD, LONDON, W10**
Your Ref: PP/01/00945/CHSE

Further to the planning consent granted for alterations to the above property, I am writing to advise the following in response to the conditions contained in the Planning Inspectors' report Ref: APP/K5600/A/01/1070716.

ITEM 4: Details of the front recessed dormer and rear roof lights.

(Refer to enclosed drawings GSA/670 PL70, 71 & 72)

I enclose details of both the proposed inset dormer to the front roof pitch and the roof lights to the rear pitch.

As indicated on the enclosed drawings, it is intended that the inset dormer be constructed in the traditional manner with lead cladding to the cheeks and base.

The roof lights to the rear pitch are to be of the type specified on our rear elevation drawing and highlighted on the enclosed photocopied pages from the 'Velux' catalogue. The roof lights are to be fitted with a recessed flashing to achieve a near flush finish with the slates.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	21 MAR 2002				PLANNING	
M	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEEs

22

ITEM 5: Protection of existing trees.

I have enclosed a copy of a report carried out by Mr. H. Appleyard of ACS Consulting that prescribes the minimum protective distance required to each tree on or adjacent to the above property. The comments enclosed in the aforementioned report have been reflected on our original planning application drawings and the works on site will accord with its recommendations. Physical protection to the trees above ground will be provided if necessary.

I trust that the enclosed is sufficient for your consideration however if you have any queries or require any further information please do not hesitate to contact me.

Yours sincerely



Richard MacRae
GUY STANSFELD ARCHITECTS

23rd May 2001

ha/let/8bassetrd/mccrae/01

Guy Stansfield Architects
1 Evesham Street
London
W11 4AJ

Dear Mr MacRae,

Trees – Proposed Development at 8 Basset Road, London, W10

Further to my site inspection of 21st May 2001, please find my comments below in respect of the existing trees and the potential proximity of development as you have requested.

The trees at the front of the above property are Local Authority street trees growing in the pavement. I have identified them on the attached plan as T1 and T2. They are mature London Plane trees and appear to be regularly maintained by pollarding. The most recent pollarding appears to have taken place within the last few months.

Having only visually assessed the trees, they appear in normal condition and sound. The BS 5837:1991 'Guide for trees in relation to construction' sets out recommended minimum distances between trees and construction at Table 1. This distance is identified as the very closest position at which soil or root disturbance could occur without compromising tree condition. In addition, no construction works or processes such as storage should occur within this protective zone. The distance is derived from an assessment of tree age, relative tree vitality/vigour and trunk diameter measured at 1.5m above ground level. Most commonly robust physical fences are erected at the appropriate distance to ensure adequate tree protection.

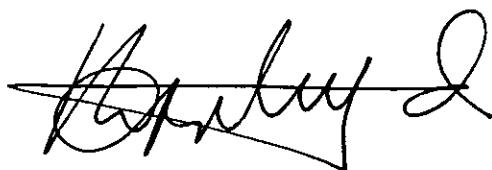
With reference to this guidance, I assess that both T1 and T2 would require a protective distance of a minimum of 6m measured from the centre of the tree trunk.

Similarly, there are three further pollarded London Plane trees at the rear of the site T3, T4 and T5. whose retention would be desirable, owing at least to their effective screening properties from residences to the rear. The trees are younger and have smaller trunk diameters. As such, using the same reference, I assess that all of the trees require a minimum protective distance of 4.5m.

In certain cases, it may be appropriate to reduce the protective distance by one third on one side only, subject to a corresponding increase in protection distance on the other sides. I do not believe that in the case, either at the front or the rear of the house that this reduction would be acceptable to the Local Authority. The proximity of structures such as the road at the front and a boundary wall at the rear may have already restricted a normal expansion in root spread.

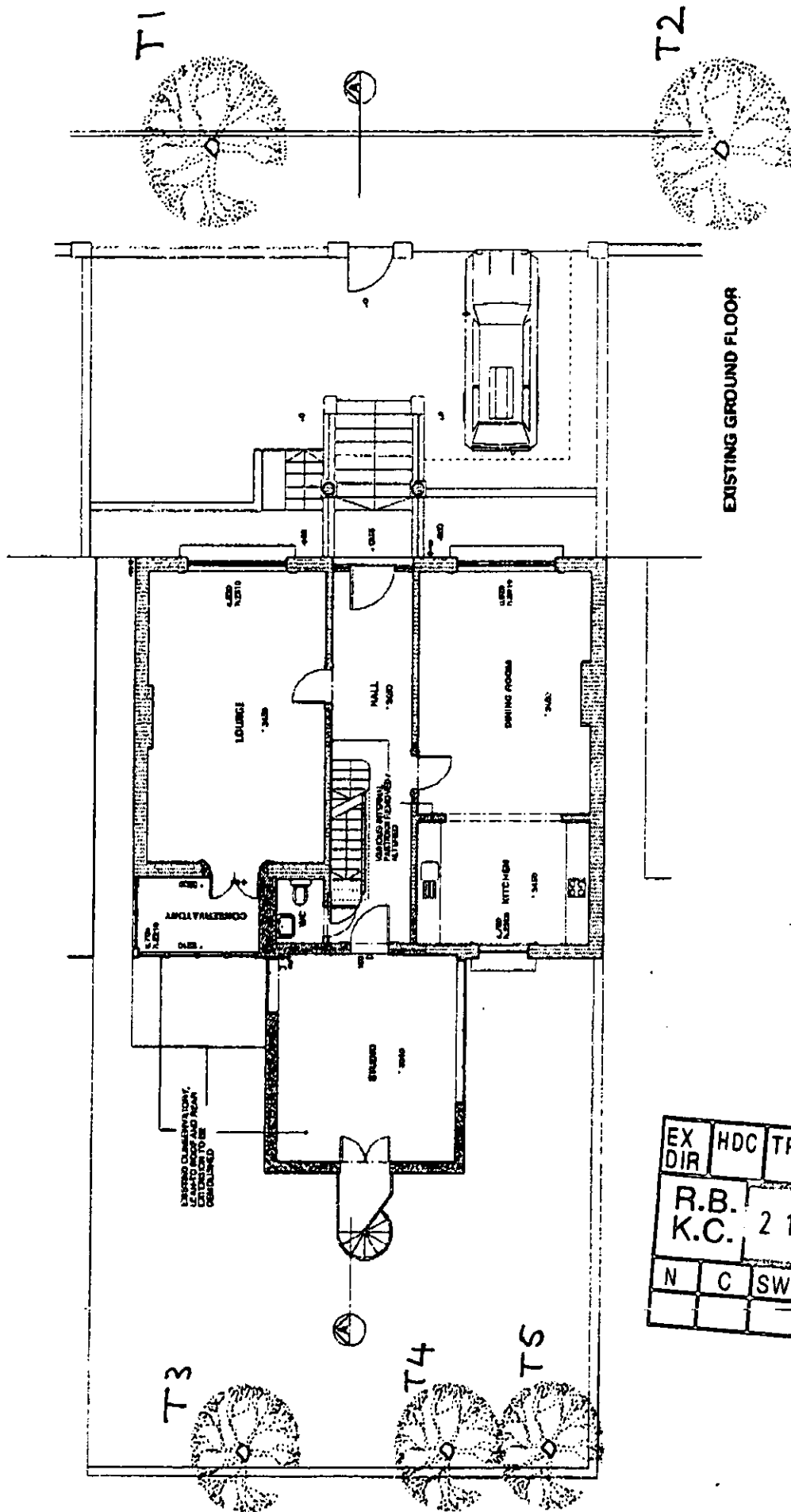
I hope that this is clear and helpful information at this stage, however, if I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Hal Appleyard', with a stylized flourish at the end.

Hal Appleyard

enc.



EX DIR	HDC	TP	CAC	AD	CLU	AO
						AK
R.B.	21 MAR 2002					PLANNING
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

TREES Chris Colwell *bl on + peach 38w*
 Submission re condition 5 of inspectors
 decision (copy attached)
 Can you go back to them direct re your
 requirements as lin off until after Easter
 Sarah W.
 22/3.

GUY STANSFELD ARCHITECTS

20th March 2002

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

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R.B. K.C.	21 MAR 2002				PLANNING	
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I trust that the enclosed is sufficient for your consideration however if you have any queries or require any further information please do not hesitate to contact me.

Yours sincerely



Richard MacRae
GUY STANSFELD ARCHITECTS

RBKC ARBORICULTURAL OBSERVATIONS

Address		Application No.	DC Officer	Date of Obs
8 Bassett Road, W10		PP/01/0945	S.W.	13/6/01
Development			Obj.	No Obj.
Development to front and rear			Yes	
Status of Tree(s):				
C.A. No. (if any)	T.P.O. No. & Details (if any)		Tree Work Applications	
Comments:				

The proposal to extend the property under the front garden is likely to harm or cause the loss of two mature London Plane trees situated on the pavement outside the property. The trees are owned by the Council and form part of an avenue of Plane trees, which line both sides of Bassett Road.

These are large trees, which form a significant component of the streetscape. As individual trees and collectively as part of the avenue they afford a considerable amenity to the area.

British Standards 5837:1990 recommends that for trees of this size, age and condition that no disturbance to the trees rooting zone should be permitted less than 6 metres from the centre of the trunk. I would point also point out that the trees rooting zone is restricted on one side by the depth of the carriageway foundation.

The development to the rear of the property appears to be at least five metres from the plane trees located adjacent to the rear garden boundary wall. BS5837: 1990 recommends that fencing to protect the rooting zone must be positioned not less than 4.5 metres from the centre of the bases of the trees. No disturbance to the soil or the storage of materials would be permitted within the protected area.

I therefore object to the proposed development for reason that it may result in the loss of two mature London Plane trees and it is therefore contrary to UDP policy CD72

Signed:  Date: 13.6.01

ACS

CONSULTING

URBAN & RURAL

TREE MANAGEMENT

23rd May 2001

ha/let/8bassetrd/mccrae/01

Guy Stansfield Architects
1 Evesham Street
London
W11 4AJ

Dear Mr MacRae,

Trees – Proposed Development at 8 Basset Road, London, W10

Further to my site inspection of 21st May 2001, please find my comments below in respect of the existing trees and the potential proximity of development as you have requested.

The trees at the front of the above property are Local Authority street trees growing in the pavement. I have identified them on the attached plan as T1 and T2. They are mature London Plane trees and appear to be regularly maintained by pollarding. The most recent pollarding appears to have taken place within the last few months.

Having only visually assessed the trees, they appear in normal condition and sound. The BS 5837:1991 'Guide for trees in relation to construction' sets out recommended minimum distances between trees and construction at Table 1. This distance is identified as the very closest position at which soil or root disturbance could occur without compromising tree condition. In addition, no construction works or processes such as storage should occur within this protective zone. The distance is derived from an assessment of tree age, relative tree vitality/vigour and trunk diameter measured at 1.5m above ground level. Most commonly robust physical fences are erected at the appropriate distance to ensure adequate tree protection.

With reference to this guidance, I assess that both T1 and T2 would require a protective distance of a minimum of 6m measured from the centre of the tree trunk.

Similarly, there are three further pollarded London Plane trees at the rear of the site T3, T4 and T5, whose retention would be desirable, owing at least to their effective screening properties from residences to the rear. The trees are younger and have smaller trunk diameters. As such, using the same reference, I assess that all of the trees require a minimum protective distance of 4.5m.

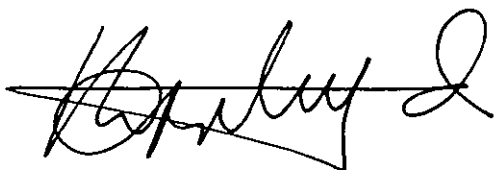
167-169 New Cross Road, London SE14 5DG Tel: 020 7277 9966 Fax: 020 7277 9988
E.mail: acsappleyard@aol.com VAT No: 749 3070 20

Principal: Hal St. G. Appleyard Dip.Arb.(R.F.S.),F.Arbor.A. Registered Consultant
Associates: Jim Quaife Dip.Arb.(R.F.S.),F.Arbor.A. • K.S. Farrens Cert.Arb.(R.F.S.)
Registered Office: The Ground Floor Office, 71 Eastfields Road, Mitcham, Croydon, Surrey CR4 2LS

In certain cases, it may be appropriate to reduce the protective distance by one third on one side only, subject to a corresponding increase in protection distance on the other sides. I do not believe that in the case, either at the front or the rear of the house that this reduction would be acceptable to the Local Authority. The proximity of structures such as the road at the front and a boundary wall at the rear may have already restricted a normal expansion in root spread.

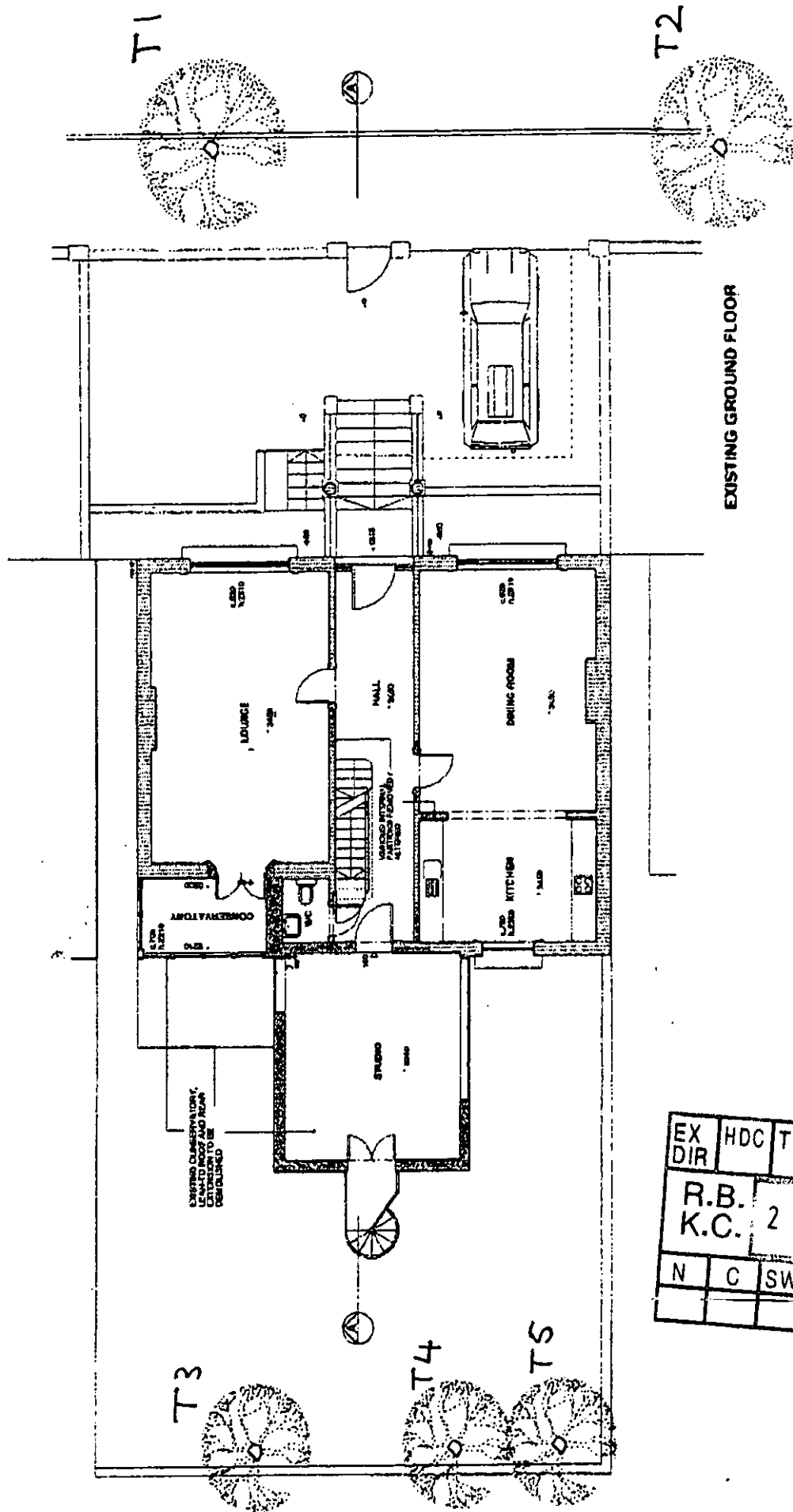
I hope that this is clear and helpful information at this stage, however, if I can be of any further assistance, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Hal Appleyard', with a stylized flourish at the end.

Hal Appleyard

enc.



EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	21 MAR 2002					PLANNING
K.C.	N	C	SW	SE	APP	IO REC
				ARB	FPLN	DES FEES



Appeal Decision

Site visit made on 06 November 2001

by **Steven Fox** BA MA MRTPI

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

FILE
The Planning Inspectorate
409 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

Appeal Ref: APP/K5600/A/01/1070716
8 Bassett Road, London W10

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- Mr A Weldon makes the appeal against the decision of Royal Borough of Kensington & Chelsea.
- The application (ref:PP/01/00945/CHSE), dated 19 April 2001, was refused by notice dated 26 June 2001.
- The development proposed is alterations including demolition of existing basement and ground floor rear extension, erection of ground floor rear extensions, roof alterations and formation of plant room/store beneath front garden..

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. As part of the appeal documentation the appellant has submitted amended drawings ref. 670/PL17A and 670/PL18A in substitution for application drawings (as revised) ref. 670/PL07A and 670/PL08A. The amendments to these drawings arise from the Council's concern about the accuracy of the originals regarding the existing rear extension. The new drawings clarify the position and I have taken these revisions into account because they do not change the nature of the scheme which was refused by the Council.

Main Issues

2. The Council does not object to the proposed works at basement level at the front of the building or to the proposed recessed dormer on the front roof slope. I agree with this view, these works would not materially alter the appearance of the front of the house and therefore would not affect the important contribution it makes to the character and appearance of the Bassett Road frontage.
3. With this in mind and from what I have seen and read I consider the main issue to be the effect of the proposed rear extension on the character and appearance of its surroundings.

Planning Policy

4. The relevant strategic policies of the adopted Unitary Development Plan (UDP) give overall priority to the protection and enhancement of the residential character of the Borough and seek to preserve or enhance the character or appearance of conservation areas and promote high design standards. These general objectives are carried through to policy CD25, which requires all development to be of a high standard of design and be sensitive to its

surroundings. Policies CD52, CD53 and CD56 concern development in conservation areas and require the design of new development to be compatible with surrounding development (CD53) and resist unsympathetic small-scale development (CD56). There is a specific policy relating to rear extensions (CD41) which sets out the relevant considerations, including the relationship to neighbouring extensions and to existing buildings in terms of scale and design. Alterations to the UDP have been the subject of a public local inquiry, with the publication of the Inspector's report in July 2001. These alterations amended policies CD25, CD41 and CD56 and because the statutory process is well advanced I attach significant weight to them.

5. The Oxford Gardens St Quintin Conservation Area Proposals Statement seeks to ensure that development contributes to the preservation or enhancement of the character or appearance of the area, and gives general advice on rear and side extensions and on the types of window which are acceptable in this particular area. I consider this document to be material and to carry significant weight because it was prepared after public consultation and liaison with residents and interest groups.

Inspector's Reasons

6. The appeal property is an imposing three-storey detached house with a basement, standing within the Oxford Gardens St Quintin Conservation Area on the north side of Bassett Road, some 60 m west of its junction with Ladbroke Grove. At the rear the original building has a pitched roof basement and ground floor extension with an external spiral metal staircase, a first-floor glazed conservatory enclosing the north-western quarter of the building and, below this, a glass roofed porch at basement level.
7. The back of the appeal property is not visible from public viewpoints but nonetheless the relatively short private rear gardens of the houses on the Bassett Road, together with the adjoining gardens of properties on Chesterton Road to the north, are not seen as isolated aspects of the wider area. Views along the backs of the buildings and across the mature gardens, many of which have established trees, make an important contribution to the attractive residential character of the area.
8. A number of other properties nearby, including nos. 4 and 6, have had rear extensions added and whilst these vary in height and bulk in the main they are flat roofed structures. The appearance of the present extension at no. 8 is unexceptional, and the Council has no objection in principle to its replacement. However, the Council considers that the appeal proposal is unacceptable primarily because of its bulk and design.
9. I do not consider that in the context of its surroundings, which include a variety of other rear extensions to nearby properties, it is necessary that the replacement extension slavishly fits the footprint and mirrors the scale of the existing extension. The proposal should be considered on its own merits, with the main considerations being firstly whether its scale is such that it is subordinate to the parent building and in keeping with the wider setting and, secondly, whether the design is sympathetic to the existing building and its immediate surroundings.
10. The proposed extension and associated conservatory would not appear unduly bulky. I consider that it would be a modest and subservient addition to the main building and would not impose itself on the host building in an incongruous manner or detract from the character and appearance of its immediate surroundings. In terms of design I consider that

the flat roof extension would be more in keeping with the parent building and the property's immediate surroundings than the existing pitched roof structure. The incorporation of features which are not found on the main building does not necessarily mean that the extension would have an unsympathetic appearance. Because of their scale and the relationship of the basement to the level of the rear garden the glazed areas at the lower level would not be unduly prominent or give the extension an unbalanced appearance. In this respect I note that that policy CD41(i) suggests that a relaxation of the detailed design criteria may be made at basement level. The oversailing of the basement would not give the impression of a top heavy or unbalanced structure because of the narrowness of the overhang. The proposed ground floor windows of the conservatory are not unsympathetic in terms of their size and position and would not detract from the vertical emphasis of the main building to the extent that they would be seen as discordant elements.

11. Having considered the scale and overall and detailed design of the proposed development to the rear of the appeal property I conclude that it would be visually subordinate to the main building and in keeping with its surroundings. Consequently it would preserve the character and appearance on the conservation area and accord with the development plan policies and advice referred to above.
12. I have taken into account all other matters raised, including the appeal decisions referred to by the Council. The appeal before me has been considered on its own merits and I find that there are no compelling planning objections to the proposed development.
13. The Council has suggested a number of conditions which it would like to see imposed if planning permission were granted. It is important that existing materials and finishes associated with the scheme, including the painting of windows and doors, match those of the existing building, and conditions to ensure this, along the lines suggested, are necessary and appropriate. Also, in order to ensure that the recessed front dormer and rear roof lights are in keeping with the parent building and minimise disruption to the rooflines I consider that full details of these features should be submitted and approved. Because the carrying out of works may affect existing trees, in particular that on the frontage immediately outside the appeal property, it is necessary to ensure by condition that appropriate protection measures are taken.

Formal Decision

14. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for alterations including the demolition of existing basement and ground floor rear extensions, erection of basement and ground floor rear extensions, roof alterations and formation of plant room/store beneath the front garden at 8 Bassett Road, London W10 in accordance with the terms of the application No: PP/01/00945/CHSE dated 19 April 2001, and the plans submitted therewith, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - 2) All new work and work of making good shall be finished to match the existing original work in respect of materials, colour, texture, and profile and, in the case of brickwork, facebond and pointing unless otherwise approved in writing by the local planning authority.

- 3) All new windows and doors shall be timber framed with painted finish.
- 4) No development shall take place until details of the front recessed dormer and the rear roof lights hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall not be carried out otherwise than in accordance with the approved details.
- 5) No development shall take place until full particulars of the methods by which all existing trees on the site and the trees growing in the street outside the site are to be protected during the carrying out of the development hereby permitted have been submitted to and approved in writing by the local planning authority, and the protection so approved shall be provided before the commencement of the development and maintained throughout the carrying out of the development hereby permitted.

Information

15. Particulars of the right of appeal against this decision to the High Court are enclosed for those concerned.
16. This decision does not convey any approval or consent that may be required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.
17. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
18. Attention is drawn to the provisions of Section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.

Steven Fox

STEVEN FOX
Inspector

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Guy Stansfield Architects
318 Kensal Road
London, W10 5BZ

Switchboard: 0207 937 5464
Extension: 2767
Direct Line: 0207 361 2767
Facsimile: 0207 361 3704
Web: www.rbkc.gov.uk

10th April 2002

My reference: PP/01/00945/CH Your reference:
SE

Please ask for: Mr. Chris Colwell

Dear Sirs

Re: 8 Bassett Road, London, W10 – tree protection

I refer to your letter of the 20th March and write with regard to obtaining full particulars of the methods by which all existing trees on the site and tree growing in the street outside the site are to be protected.

The Council is likely to approve tree protection methods which meet the following standards.

Trees situated within the rear garden of the property should be protected from development by the installation of a protective fence positioned not less than 4.5 metres from the centre of each tree. The two street trees should be protected by installing protective fencing not less than 6 metres from the centre of each tree. Clearly it will not be possible to extend fencing across the public footway and I shall therefore require details as to how these trees will be protected from damage which may arise from materials delivered to and taken from site.

The type of fencing acceptable to the Council is that specified in BS5837 for use in 'special conditions.' Fencing must therefore be at least 2.4 metres high, comprising a scaffold framework, as detailed in figure 5 of the standard, supporting a minimum of 20mm exterior grade ply.

Full particulars of the methods by which the above mentioned trees will be protected together with a plan showing the accurate position of the tree and the protective fencing should be sent to the Executive Director, Planning and Conservation. We shall also require confirmation that tree protection measures will be installed prior to the commencement of the development and remain in place for the duration of the development.

If I may of any further assistance please do not hesitate to contact me.

Yours faithfully,

Chris Colwell
Senior Arboricultural Officer
for the Executive Director of Planning and Conservation

cc Sarah Wilden, Deputy Area Planning Officer

Site: 8 Bassett Rd.		File reference: PP/01/945
Subject:		
R.B.K. & C Planning Services		Site <input type="checkbox"/> Office <input checked="" type="checkbox"/>
NOTES OF MEETING - Tel Cen		Date: 11.09.02
Names of persons attending:	Officers SW	Applicant/Agent/Resident Richard MacRae
Matters discussed:	<p>Mr MacRae confirmed that he had rec'd a letter from Chris Colwell dated 6/6 clearing the details subsequently submitted in relation to the tree protection condition.</p> <p>I will write & agree the rooftop detail submission only.</p>	

Signatures:

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. R. MacRae,
Guy Stansfeld Architects,
318 Kensal Road,
London W10 5BZ

Switchboard: 020 7937 5464
Extension: 2082
Direct Line: 020 7361 2082
Facsimile: 020 7361 3463
Web: www.rbkc.gov.uk

**THE ROYAL
BOROUGH OF****KENSINGTON
AND CHELSEA**

12 September 2002

My reference: DPS/DCN/SW/
PP/01/945

Your reference:

Please ask for: Mrs. S. Wilden

Dear Sir,

Town and Country Planning Act 1990
8 Bassett Road, W.10

Further to your telephone conversation of 11th September with my assistant Mrs. Wilden, I note that you have been involved in discussions and correspondence with Mr. Colwell, the Senior Arboricultural Officer, concerning the tree protection measures in relation to the above referenced development. Accordingly, I shall deal only with the details of the roof alterations in this letter.

Pursuant to Condition 4 of the planning permission granted on 15th November 2001, I hereby approve the details of the front recessed dormer and the rear roof lights described in your letter of 20th March 2002 and shown on drawings 670/PL70, /PL71 and PL72 and on the extract from the 'Velux' catalogue.

Yours faithfully,

M. J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION



STATEMENT DUE 17/9

APPEAL

TO: SW

FROM: PA/HD

DATE RECEIVED: 2-8-01

EXTN: 2081

APPEAL

CASE OFFICER: SW

APPEAL

ADMIN OFFICER: OME

OUR REF: PP/01/945

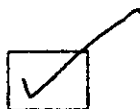
DETR REF: A/01/1070716

ADDRESS: 8 BASSETT ROAD
WID

REASON FOR APPEAL: REF

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN
REPRESENTATIONS



INFORMAL
HEARING



PUBLIC
INQUIRY



START DATE OF APPEAL: 6/8

3RD PARTY LETTERS DUE: 20/8 SENT: 14/8

QUESTIONNAIRE DUE: 20/8 SENT: 16/8

RULE 6/8 DUE: _____ SENT: _____

STATEMENT DUE/DATE OF
PROOF EXCHANGE: 17/9

SENT: _____

STATEMENT DUE 17/9

LIST OF SUGGESTED CONDITIONS

1. **The development hereby permitted shall be begun before the expiration of five years from the date of this permission.**
2. **All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing unless otherwise approved by the Executive Director, Planning and Conservation in writing.**
3. **All new windows and doors shall be timber framed with painted finish.**
4. **Full particulars of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:**
 - (a) **Details of the proposed front recessed dormer.**
5. **The rear rooflights hereby permitted shall be of a traditional conservation type and so maintained.**
6. **Full particulars of the method(s) by which all the existing trees on the site and the trees growing in the street outside the site are to be protected during building and other operations on the site shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences, and the protection so approved shall be provided before the commencement of the development and maintained for the duration of building and other operations on site.**

LIST OF SUGGESTED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing unless otherwise approved by the Executive Director, Planning and Conservation in writing.
3. All new windows and doors shall be timber framed with painted finish.
4. Full particulars of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation before the development hereby permitted commences and the development shall not be carried out otherwise than in accordance with the details so approved:
 - (a) Details of the proposed front recessed dormer.
5. The rear rooflights hereby permitted shall be of a traditional conservation type and so maintained.
6. Full particulars of the method(s) by which all the existing trees on the site and the trees growing in the street outside the site are to be protected during building and other operations on the site shall be submitted to, and approved in writing by, the Local Planning Authority before the development commences, and the protection so approved shall be provided before the commencement of the development and maintained for the duration of building and other operations on site.



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-987-8927
Switchboard 0117-987-8000
Fax No 0117-987-8769
GTN 1374-

Paul Brookes Architects
The Ticket Office
Barnes Bridge
18 The Terrace
London SW13 0NP

Your Reference:

Our Reference:
T/APP/K5600/A/97/280737 &
T/APP/K5600/E/97813487/P8

Date: 20 AUG 1997

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990
SECTION 20 AND SCHEDULE 3
APPEALS BY MR ANTHONY SHARP
APPLICATION NO: TP/97/0455 & TP/97/0456

1. I have been appointed by the Secretary of State for the Environment to determine these appeals. These appeals are against the failure of the Council of the Royal Borough of Kensington and Chelsea to give, within the prescribed period, notice of their decisions on the applications for planning permission (APPEAL A) and for conservation area consent (APPEAL B) for extension of a basement flat at 94 Cambridge Gardens, London W10. I have considered the written representations made by you and by the Council and I inspected the site on 29 July 1997.
2. While the application for conservation area consent was described as being for an extension to the basement flat, it relates to the partial demolition of the existing exterior wall at basement level, in order to extend the dwelling as proposed. I have dealt with Appeal B on this basis. In this connection, the Council have drawn attention to a recent judgement in the House of Lords which affects the definition of works for the demolition of a building in a conservation area. I note the Council's view that, in the light of this decision, conservation area consent is not required in this case. You have not commented on this matter. Taking the House of Lords judgement into account, I do not consider the works required are so substantial as to be works of demolition of the building. In my view, they form part of the alterations to the building which would arise from the proposal to extend it. In the circumstances, I conclude that conservation area consent is not required for the works and, accordingly, I do not intend to proceed any further with the determination of Appeal B.



3. Turning now to Appeal A, the appeal property is unlisted and situated within the Oxford Gardens/St. Quintins Conservation Area. It is a 3-storey semi-detached house with a basement and of similar character and appearance to many others in this part of the Conservation Area, including the neighbouring properties and those immediately to the rear. Planning permission has been granted recently for an extension similar to the appeal proposal, but somewhat smaller in scale and with significant differences of detail.

4. Having visited the site and read all the representations before me, I consider that the most important issues in this case are the effect of the proposed development on the character and appearance of the building and of this part of the Conservation Area.

5. The Council have referred to relevant policies in the adopted Unitary Development Plan (UDP), relating to rear extensions, small scale extensions, conservatories, the effect of alterations on the external appearance of buildings and the surrounding area and development within the Conservation Area. I have taken these into account in reaching my decision. I have also had regard to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which establishes a general duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area in the exercise of planning functions. The relevant UDP policies accord with this requirement.

6. The appeal proposals comprise a number of elements: a kitchen extension with a large window on the rear elevation; an extension to the hall with patio doors onto the rear garden; a narrow extension at the side of the building and abutting the side boundary wall and internal re-arrangements to relocate a bathroom. The latter element does not appear to require planning permission in itself. The other 3 elements would have flat roofs, which would be in keeping with the existing 2-storey rear extensions on the building and its neighbours. The side extension includes formation of a new front entrance and, therefore, would be visible from the street. However, its impact in the street scene and on the appearance of the building would be very limited and, in my opinion, quite acceptable.

7. The two parts of the development which would have most impact are the kitchen extension and the patio doors. The windows of the extension have been designed to resemble the appearance of one of the windows above at first floor level. Because of their scale, this would give a striking appearance to the extension. However, the detail bears no resemblance to the other windows on the rear elevation and, having regard to the size of the extension and the windows, the extension would be out of sympathy with the existing character and appearance of the building. Moreover, the appearance of the patio doors, without glazing

bars/ would be at odds both with the windows of the kitchen extension and the existing fenestration.

8. I am also concerned at the bulk of the rear extensions, having regard to the fact that they would occupy all the available width of the site from the side of the existing extension to the plot boundary and that the kitchen would extend beyond the line of the existing rear extensions on the appeal property and immediately adjacent houses. It is part of the Council's normal policy (within UDP Policy CD41) to resist proposals for rear extensions if they would extend beyond the general rear building line, or would not be visually subordinate to the parent building, or would spoil the even rhythm of rear additions. The policy also states that full width extensions will not be allowed (except in some cases at garden level). I have taken into account the large full height extension on a property nearby in Cambridge Gardens to which you have referred, but I consider nonetheless that the proposals would extend beyond the line of existing rear extensions in the immediate vicinity and because of their scale and appearance they would not be visually subordinate to the parent building.

9. Because of the secluded setting of the building, I am not convinced that the even rhythm of existing rear additions or the fact that the extensions occupy all the available width of the site are matters of particular significance in this case and in other respects I see no conflict with Policies CD41 or CD42. These conclusions are reflected in the subsequent decision of the Council to grant permission for somewhat smaller extensions. Nevertheless, for the reasons I have given, I am satisfied that the proposals do not conform with UDP Policy 41 and would be harmful to the appearance of the building, in conflict with Policy CD44.

10. The effect of the proposals on the character and appearance of the Conservation Area would be limited, since very little of the development would be seen from any public viewpoint. Nevertheless, the character and appearance of a conservation area is not restricted to the public domain. Those parts which, normally, are visible only to local residents may contribute significantly to its character and appearance from their point of view. I note that no representations have been received from any existing resident, but this fact should not override the planning principles. In this connection I attach particular significance to Policy CD56, relating to the cumulative effects of small scale developments. It is not suggested that the appeal proposals would serve as a precedent for other proposals, but the immediate area to the rear of properties in Cambridge Gardens, Oxford Gardens and St. Mark's Road has not been subject to substantial change and the buildings retain much of their original character. It is important to guard against change which would not contribute to preserving and enhancing this character. In my view the appeal proposals would not meet these objectives and, accordingly would conflict with UDP Policy CD52.

11. I have given careful thought to all the other matters raised in the representations which you and the other parties have made, including your argument that the appeal proposals are of significantly better quality than the extensions now granted planning permission, but none of these have convinced me that I should come to any other conclusions.

12. For the above reasons and in exercise of the powers transferred to me, I hereby dismiss Appeal A and refuse to grant planning permission for the development proposed.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'C.D. Cockshaw', written in a cursive style.

C.D. COCKSHAW BA MRTPI

Inspector

Revised to

REFUSED BY
PLANNING SERVICES CTTEE

25 FEB 1997

JUL 2 1997

REFUSAL REF

Revision

Client

Mr. Anthony Sharp

Project

94 Cambridge Gardens
Ladbroke Grove, London W10.

Drawing

Elevations as existing

Scale

1:50

Date

28-10-96

Drawn

LT

PAUL BROOKES ARCHITECTS

The Ticket Office, Barnes Bridge, London SW13 ONP ☎ 0181-392 9797



Chartered Architects
Town Planning and Landscape Consultants

Dwg. No.

1001

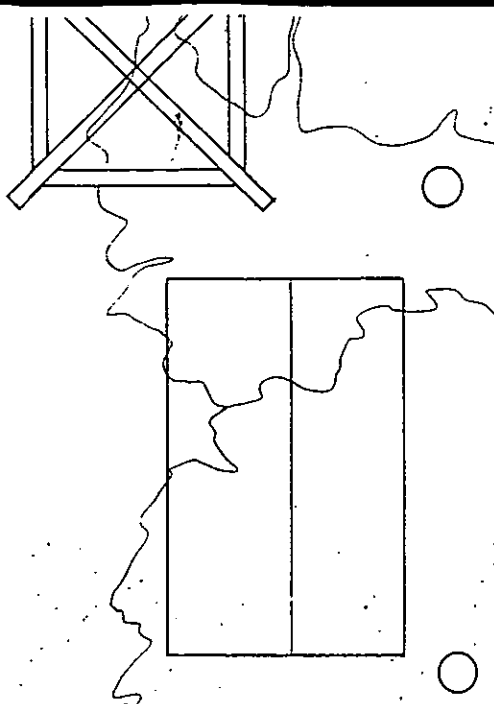
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01



REAR ELEVATION



Revised to
REFUSED BY
PLANNING SERVICES CTTEE

25 FEB 1997

JUL 2 1997

REFUSAL REF

Revision

Client

Mr. Anthony Sharp

Project

94 Cambridge Gardens
Ladbroke Grove, London W 10.

Drawing

Plan as existing

Scale
1: 50

Date
29/ 10/ 96

Drawn
L T

PAUL BROOKES ARCHITECTS

The Ticket Office, Barnes Bridge, London SW13 ONP ☎ 0181-392 9797



Chartered Architects
Town Planning and Landscape Consultants

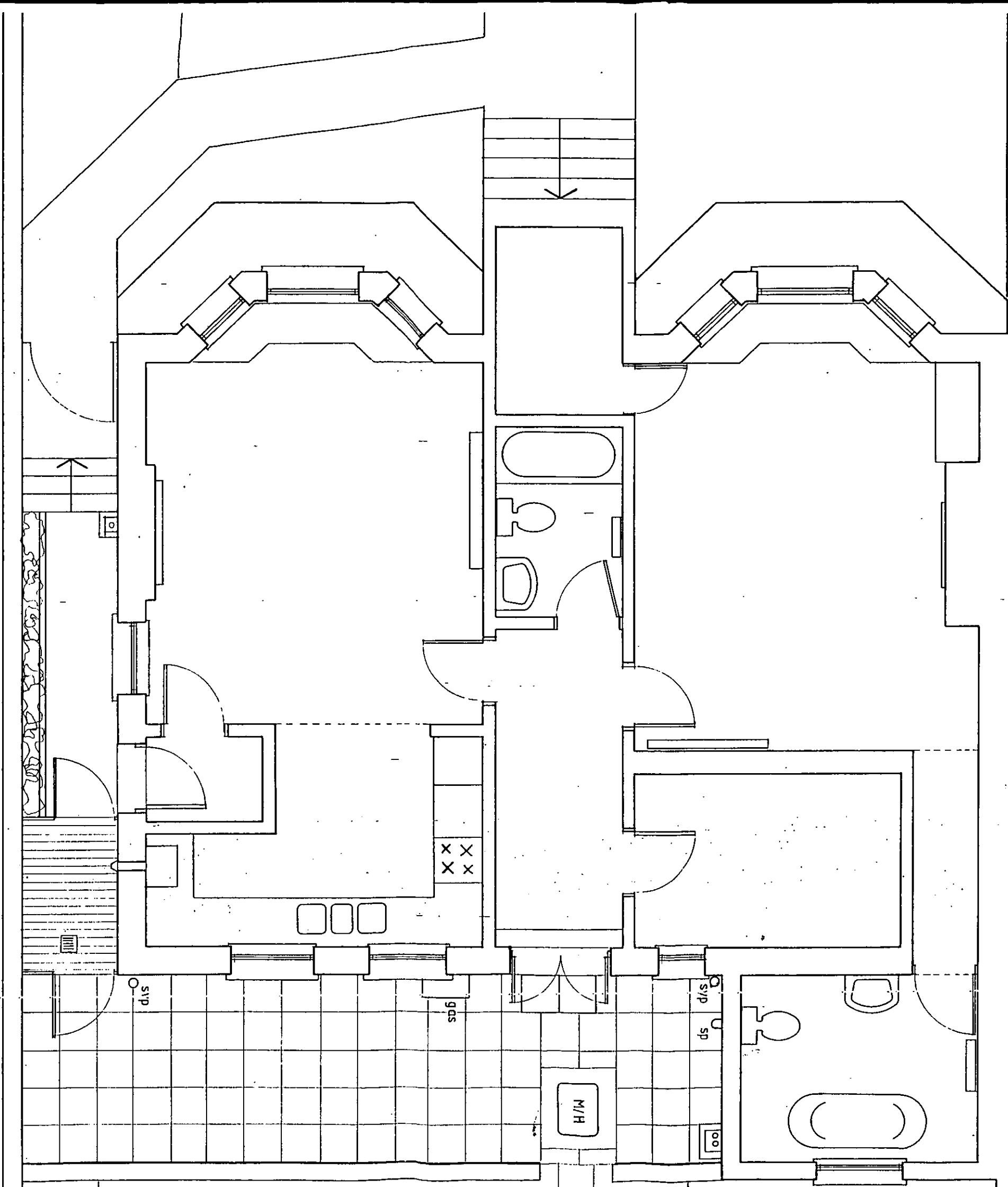
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1001

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02



Needed
**REFUSED BY
PLANNING SERVICES CTTEE**

JUL 2 1997

REFUSAL REF

70455

Revision

Client

Mr. Anthony Sharp

Project

**94 Cambridge Gardens,
Ladbroke Grove, London W 10**

Drawing

**Proposed Plan and Rear
Elevation**

Scale

1:50

Date

26/11/96

Drawn

LT

PAUL BROOKES ARCHITECTS

The Ticket Office, Barnes Bridge, London SW13 ONP ☎ 0181-392 9797



Chartered Architects
Town Planning and Landscape Consultants

Dwg. No.

1001

| D

[]

03

PLAN



rooflight
over

*Revised Solid
Exterior*

rooflight over

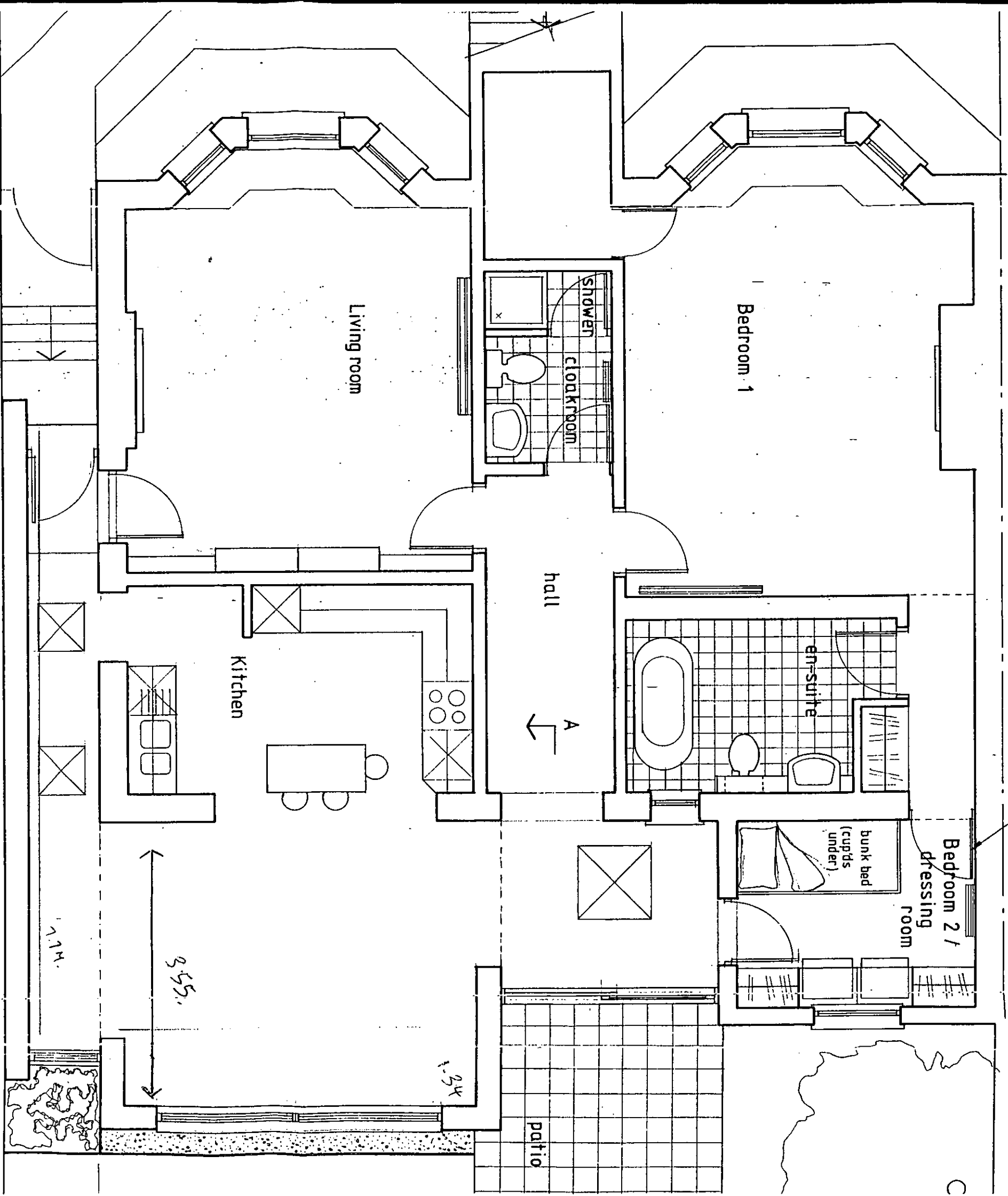
ingill conservator

REAR ELEVATION

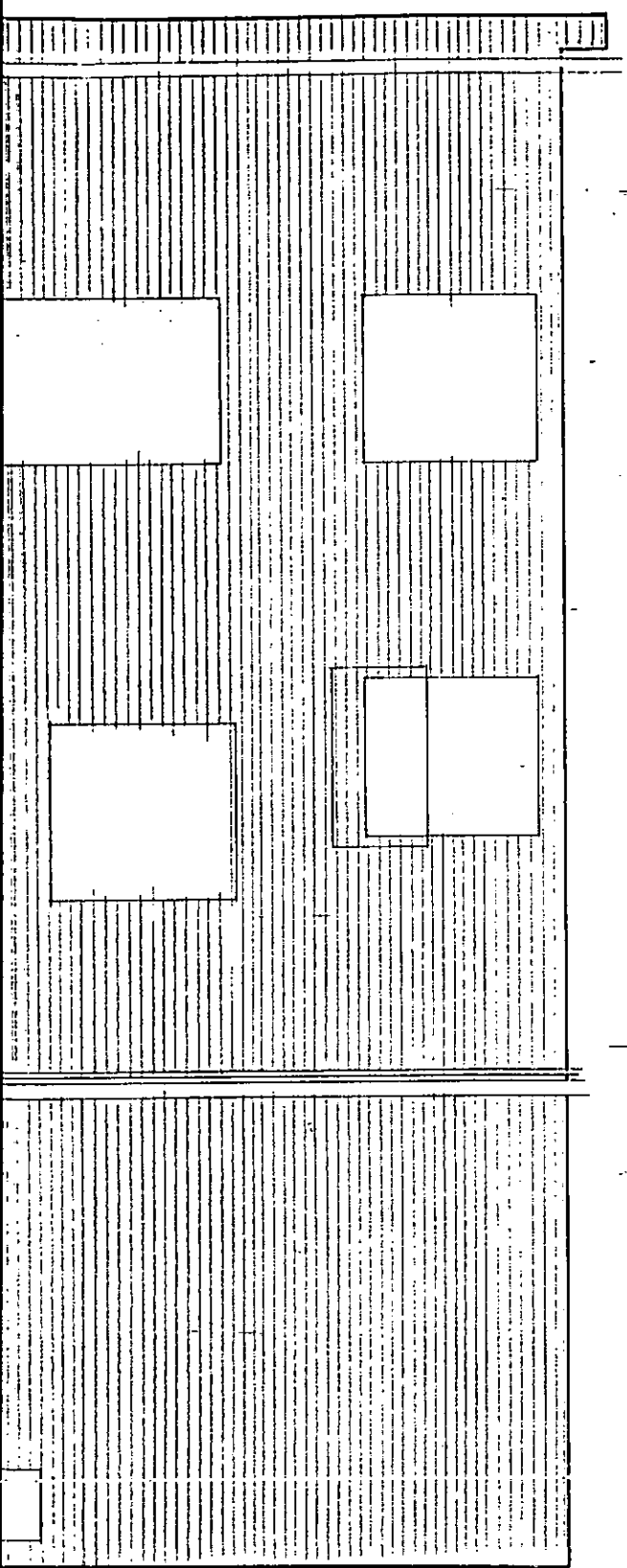
Side Elevation

- A

Door locked for
guests in bed 2



PLAN





Report to The Royal Borough of Kensington and Chelsea

The Planning Inspectorate
4/04 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 8902

by Eric T Searle DipTP FRTPi FBEng MIMgt

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

Date

Dear Sir

PUBLIC INQUIRY INTO OBJECTIONS TO PROPOSED ALTERATIONS TO THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA UNITARY DEVELOPMENT PLAN

1. I was appointed by the Secretary of State for the Environment, Transport and the Regions to hold a public inquiry into objections to the Proposed Alterations to the Royal Borough of Kensington and Chelsea Unitary Development Plan. The inquiry was held between 10 January and 15 February 2001, and sat for a total of 6.5 days. Two pre-inquiry meetings were held, one by a previous Inspector on the 3 July 2000 and another by me on the 18 October 2000. Before, during and after the Inquiry I made a series of unaccompanied site visits to sites which were the subject of objection and also visited parts of the Borough at various times of the day and night at the request of objectors.
2. The Planning and Conservation Committee approved the UDP Alterations for deposit and public consultation on the 28 June 1999. A total of 1521 objections were adjudged by the Council to have been duly made during the formal objection period. Some 48. were unconditionally withdrawn. Following consideration of the objections, the Council proposed to change the Deposit Draft Plan. These changes were formally placed on deposit in the Second Deposit Period resulting in 2 objections being conditionally withdrawn. Some 93 Counter objections were duly made. The Council subsequently advertised some Further Proposed Changes and asked for 2 non-statutory Counter objections to be considered by me in coming to my recommendations.
3. The proposed alterations to the UDP are limited in scope to those changes put forward by the Council. Topics for review were identified by Members and proposed in response to development pressures that were perceived to be threatening the residential character of the Borough, or because of changes in national guidance and legislation. The Council sees the changes, while important, as being modest in scale and as a partial rolling forward of the plan.
4. In my consideration of all objections I have had regard to submissions made by, or on behalf of, the various objectors and the Council, and to all other material considerations, including current Planning Policy Guidance Notes and Circulars. I have not had regard to any change in local planning circumstances since the Inquiry as I have not received any representations thereon. The Council will no doubt take any such changes into account in their consideration of my recommendations. Likewise the Council will need to take into account any Planning Policy Guidance Note, Circular or other national or regional advice published subsequent to the completion of the Inquiry. I have taken into account Planning Policy Guidance No 13 on Transport which was issued during my reporting period.

5. My report follows as far as possible the sequential layout of the plan although there were a number of objections which crossed a range of topic boundaries, and I have briefly commented on them in various chapters throughout the plan. Although there were a large number of objections it became clear to me from the evidence at the Inquiry, and particularly at the hearing sessions of the Inquiry, that many of the objections contained elements of support for the Proposed Alterations. There had been extensive discussions between officers and some objectors and in a number of cases the issue was not one of principle but of detail. It also seemed to me that many of the objections relating to the First Deposit Draft had been met, or substantially met, at the Second Deposit Stage. However, as these objections have not been withdrawn they are before me. I have dealt with many of them very briefly. I noticed in reading the plan that my recommendations may have implications for other policies in the UDP which are not up for review. As these policies are not the subject of duly made objections I have not commented on them.

6. Prior to the Inquiry I considered that a number of objections could be dealt with at hearing sessions. Objectors and the Council agreed and this enabled a range of topics to be dealt with speedily, reducing significantly the number of sitting days from that originally envisaged.

7. The evidence ranged widely over the 14 chapters of the plan but in my view the main issues concerned housing, shopping, offices and industry, transport, and social and community uses (private schools).

Housing:

8. The contentious issue in this Chapter was Affordable Housing. The concerns were about the target adopted by the Royal Borough, which has an acute shortage of Affordable Housing to meet its needs, and the criteria for its negotiation. Also the high Affordable Housing requirement for Major Development Sites; the provision of HMO's and hostels; and whether more Affordable Housing should be located out of the Borough.

9. Although the target for Affordable Housing requirements is 33%, and on some Major Development Sites is in excess of one third, it is no higher than I have seen proposed elsewhere. I share the view of the previous Inspector that there is no harm in having a high target, providing that the provision is achieved by negotiation - on the basis of firm but flexible policies.

10. National advice can only go so far in guiding authorities and the Council has clearly identified from its needs survey what Affordable Housing is required and how it will be negotiated. I have concluded that with the revisions I have recommended the Council's approach and policies would go some way to meeting the very real need for Affordable Housing within the Borough.

11. Although HMO's and hostels would provide accommodation for a particular element of the housing population, and I have sought to include them in the supporting text for that reason, I doubt that they would come forward very often as part of a housing scheme. However, there is no reason why they should not be considered, as a replacement of those HMO's which have been lost over the years - a loss which the Council is anxious to stop.

12. Out of Borough Affordable Housing is far wider than a planning issue. It involves the London Housing Partnership and other local authorities which receive the overspill of Affordable Housing. At present the use of commuted payments to provide such housing is restricted to the local authority area. With the unmet need for Affordable Housing in the Borough I do not recommend a change in the Council's approach at this time.

Shopping

13. The main concern is about the impact of A3 uses and how they could be better controlled to avoid detriment to local amenities - particularly as part of the evening economy, and the loss of further A1 units. Objectors consider that there is a greater need to protect independent shops and the character and function of shopping centres. It is interesting to note that many of the objectors are, in fact, supporters of the Council's attempts to tighten up both the policies and the supporting text, but they do not believe the Council has gone far enough in its controls. Although I have recommended some changes, overall I am of the view that the Council's policies are reasonable and would be effective in resisting the loss of convenience shops and protecting the established character of shopping areas.

Offices and Industry

14. The Council has recognised the need to encourage the setting up of new small businesses and the retention of those existing because of the benefits they have identified for local employment. This has resulted in the definition of thresholds which is of concern to objectors. I have no argument with the definition of "small scale" and the restrictions on the use of business floor space generally. However, the Council proposes that any development over the "small scale" threshold should be defined as "large scale". I consider it too simplistic to merely take the "small scale" definition and assume that anything above 300sq.m is large.

15. Employment Zones are of particular concern both because of the restrictions imposed upon them and their physical extent. Because of the small scale of the Zones, their location in predominantly residential areas, and the limited amount of industrial land in the Borough, I consider that with the modifications I have suggested the restrictive policies are appropriate.

Transportation

16. The concerns of objectors are about the impact of traffic on the Borough, both local and that passing through, and the need to encourage the greater use of public transport, cycling and walking. To my mind the policies and supporting text aim to restrain road traffic movement to ensure that road space is available to those who have greater need of it. The policies also encourage improvements to the pedestrian environment, the provision for cyclists and the reduction of traffic speeds on District Roads. Any large-scale business development would be restricted to locations with high public transport accessibility in accordance with advice in PPG13.

17. Although it is not directly a UDP matter there were mixed views about the Council's residents parking permit system and the Controlled Parking Zones which are to be reviewed. Objectors consider that too many permits are issued and the present system encourages the use of the car for short journeys.

Social and Community Uses

18. The main concern is that because there is an unusually high level of demand for independent school places from residents in the Borough there is a lack of suitable sites for private schools or their expansion. From the evidence there is an undoubted significant unmet demand for private school places. I consider that existing policies are strong enough to resist

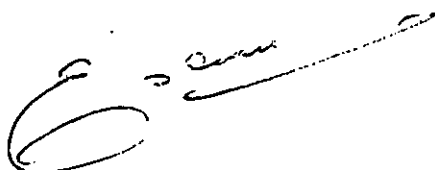
further losses of private schools, and with modifications I have suggested should give greater encouragement to expansion.

19. A complete set of documents in connection with the Inquiry is held by the Executive Director, Planning & Conservation at The Town Hall in Hornton Street, London W8 7NX.

20. A copy of this letter has been sent for information to the Head of the Development Plans Branch of the Government Office for London and to the Planning and Development Division of the Department of the Environment, Transport and Regions, Eland House, Bressenden Place, London.

21. Finally, I wish to express my thanks for the help and co-operation I received throughout the Inquiry from Mr Lockhart-Mummery, who appeared for the Council, and the officers and consultant to the authority, particularly Malcolm Souch, and Phil Hughes who were involved in most of the Inquiry and hearing sessions. Throughout the plan programme I was ably assisted by Geoff Benge, my Programme Officer, to whom I express my sincere thanks.

Yours faithfully



Eric T Searle
Inspector

The Chief Executive
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London W8 7NX

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INQUIRY APPEARANCES; LIST OF OBJECTORS; LIST OF CORE
DOCUMENTS; AND DOCUMENTS ID1 – ID17 SUBMITTED TO THE
INQUIRY - SEE APPENDICES

CHAPTER 1 Introduction to the Unitary Development Plan

Objections:

<i>KH1260 BS0912 CO1604 CP2044</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1261 BS0913 CO1605 CP2045</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1264 BS0916 CO1608 CP2048</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1268 BS0920 CO1612 CP2052</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>

Issue(s)

- Explain purpose of UDP review
- Add "1990" in first sentence of paragraph 1.1.1
- Add Guidance references in paragraph 1.2.1
- Modify example in paragraph 1.2.4b(b) to reflect PPG3

1.1 Introduction

1.2 Kensington and Chelsea Royal Borough covers an area of five square miles and is primarily a residential area close to the centre of London. It has a resident population of some 179,000, a working population of some 100,000 each day and about 30,000 visitors per night. The Borough is an historic area close to the West End and a number of international attractions and institutions are located within its boundaries. These include the Earl's Court Exhibition Centre and world famous hospitals and universities. There are major shopping streets at King's Road, Kensington High Street, Knightsbridge and Portobello Road.

1.3 The proposed alterations to the UDP are limited in scope to those changes put forward by the Council. Topics for review were identified by Members and were proposed in response to development pressures that were perceived as threatening the residential character of the Borough, or because of changes in central government advice or legislation. The Council sees the changes, while important, as being modest in scale and confined to specific topics, as a partial rolling forward of the plan. It is recognised by the Council that there will have to be a wider ranging review of the Plan following on from the adoption of the Mayor's Spatial Development Strategy in 2002.

- 1.4 In considering the whole approach to the alterations Members considered the overall aim of the plan to be:

“To maintain and enhance the character and function of the Royal Borough as a residential area and ensure its continuing role within the Metropolitan Area as an attractive place in which to live and work.”

- 1.5 There were a number of objections submitted which the Council determined were not duly made, either because they were too late or more commonly because they related to matters which were not up for review. It is the Council's decision whether or not an objection is duly made, not mine, and if they were not duly made, they are not for me to consider. However, the Council did, helpfully respond to some non-duly made objections in detail. I have taken into account and remarked on those where the Council has responded where I consider the objections are clearly linked to other objections which have been duly made. Where the Council has made no rebuttal I have not commented. However, no doubt the Council will in the future take into account the implications of some of my recommendations on the wording of policies and explanatory text not up for review at this time.
- 1.6 National guidance has changed since the preparation of the plan. It is almost inevitable that during the process of altering or reviewing a development plan that some national guidance will emerge which will involve change, or at least change of emphasis, which lead to alterations to policies or the explanatory text. The Council will need to take into account these changes. For example, during the time my report was being prepared the new PPG13 was issued, which does not fully reflect the previous draft.
- 1.7 A number of objections relate to changes in wording, including arguments about the deletion or addition of such words as **normally**; **to seek**; **material**; **welcome**; **where possible** or **as appropriate** amongst others. Although I deal with individual objections suggesting changes in wording when considering specific policies and explanatory text of the plan, some of these considerations have repercussions throughout the UDP for policies and text which are not subject to the present proposed alterations, or to any duly made objections.
- 1.8 For example, with the provisions of Section 54A of the 1990 Act planning proposals will be dealt with in accordance with the development plan unless *material considerations indicate otherwise*. It seems to me that the use of the word **normally** stems from the Council's wish to introduce a degree of flexibility into policies and sometimes text, to avoid being criticised for being too rigid and failing to acknowledge other material considerations. There is a certain attraction in viewing **normally** as a simple reflection of the flexibility implicit in Section 54A of the 1990 Act but in my view it does not provide the clear basis for decision making required by the planning process. The word neither provides clarity as to circumstances in which a policy might or might not apply, nor does it allow more flexibility than exists in the current legislation. In my experience in dealing with a range of appeals in London and elsewhere the word is open to considerable misinterpretation. The only

interpretation which can be properly applied to **normally** is that reflecting Section 54A, in which case it becomes unnecessary and should be omitted.

- 1.9 Apart from general matters, which I deal with in this introduction, my consideration of the objections follows the order of the plan. I consider this is the most logical way to deal with objections even though a number of the issues raised are not self contained and range over a number of topics. This often means that I briefly deal with similar objections in different chapters of the plan. In dealing with objections, when I refer to policies, and paragraph numbers, I am referring to the purple book - UDP RBKC Proposed Alterations UDP – Public Inquiry Version.
- 1.10 Although there were a large number of objections it became clear to me from the evidence at the Inquiry, and particularly at the hearing sessions of the Inquiry, that ironically many of the objections contain a large element of support for the proposed alterations. There had been extensive discussions between officers and some objectors and in a number of cases the issue was not one of principle but of detail. Objectors strongly supported the Council in a tightening up of certain policies but did not consider that the wording proposed, in either the policies or the supporting text, would achieve the necessary aims.
- 1.11 It also seemed to me having read the objections relating to the First Deposit Stage that many of them had been met or substantially met at the Second Deposit Stage. As these objections have not been withdrawn they are still before me, but it has only been necessary for me to comment briefly on some of them because the Council has revised the policy and supporting text to meet, or in part meet, the objection.
- 1.12 On the other hand, as is to be expected with a plan dealing with the conflicts of an important Royal Borough which is constantly under pressure from development, (and where the balance of land uses and their close proximity to one another is of particular relevance), there was also a core of fundamental objection to the new and altered policies of the plan and its explanatory text.
- 1.13 Some of the proposed changes to the wording of policies and text through the various stages of the plan have not resulted in objection. I have, therefore, not commented on them and assume they will be incorporated into the final document. Where I have considered objections and agree with them I have recommended that the policy or explanatory text be modified in accordance with them. Where I do not agree with the objections the policy or text should be modified in accordance with the Council's Proposed Revisions.
- 1.14 There were earlier criticisms about the layout of the plan, headings, and the order of paragraphs and its numbering system. Some of these have been overcome in the latest Public Inquiry Version. Others I have commented on when dealing with individual chapters of the plan, and some during this introduction.
- 1.15 I had originally intended to follow the same form of paragraph numbering as shown in the Public Inquiry Version of the UDP, but I consider this might be confusing to those reading and referring to the UDP Alterations and my report. I have, therefore, used a

simple "two number" system.

- 1.16 Concern has been expressed about the scarcity of maps and plans. I share the view of the objectors that because of the importance of accessibility of development to public transport referred to in a number of policies in the plan that the inclusion of a PTA map would be a useful addition. I know that it has not been updated for some time but it seems to me that if it is suitable for inclusion in the CTP then it is also suitable for inclusion in the UDP. Even though the map has not been updated I consider it doubtful that there has been material change in accessibility to public transport over the years.
- 1.17 It is also considered by objectors that a Public Open Space Definitive Map should be included. As the UDP Proposals Map is not intended to be an existing land use plan I see little benefit in a plan which merely shows existing open space. If, however, the Council is able to update its 1992 open space survey and decide where there is a deficiency I see no reason why the location of the deficiency should not be shown by symbol on either the Proposals Map or other Map.
- 1.18 Although objectors consider there should be a map showing Sports Facilities Deficiencies the Council has not been able to devise a method for measuring deficiencies in sports facilities overall. It does, however, protect existing facilities and encourages additional provision through policies in the plan.
- 1.19 As far as shopping centres are concerned, the Principal Shopping Centres are already identified on the Proposals Map and this has been updated in the Second Deposit Version to show revised boundaries and designated areas. A list of the centres has now been included in the Appendices. I believe sufficient detail has now been included in the UDP.

Specific Objections Listed.

- 1.20 I agree that the general chapter should include an explanation of the purpose of the proposed alterations to the plan before me. I understand that such an explanation is proposed at a later stage when the altered UDP has been approved for adoption. It would also be helpful to amend paragraph 1.2.3 to advise that each chapter now contains a statement of strategy and objectives.
- 1.21 1990 has been added after "Town and Country Planning Act" in the first sentence to make it clear which Act is referred to.
- 1.22 Reference has been made throughout the plan to national guidance in the form of Circulars, Regional Policy Guidance Notes and Planning Policy Guidance Notes. It has been suggested by objectors that these documents should be listed in the plan itself and that more detail from them should be included in the policies of the plan. I consider that it is generally sufficient to refer to them in the explanatory text. Where a more specific reference is required I have commented on it when dealing with

particular policies of the plan. I see no reason to add to paragraph 1.2.1 of the explanatory text as “national, regional and London wide policies” are already mentioned in the paragraph.

- 1.23 The advice in PPG3 is that the amount and type of affordable housing should be a matter for agreement between the parties, but the objective should be to ensure that the affordable housing secured contributes to satisfying local housing need. I am satisfied that the revisions to paragraph 1.2.4 (b) reflect national guidance.
- 1.24 There has been criticism from objectors that certain figures and statistics are no longer up to date, particularly in the Housing Chapter. The Council has recognised the need to provide the latest information available. Some has already been included in revisions and more will be provided in the final document.

1.25 RECOMMENDATIONS

- a) Add “ a statement of Council strategy”.... To paragraph 1.2.3.**
- b) Add an explanation of the purpose of the proposed alterations.**
- c) Update figures and statistics in the final document**
- d) Include a Public Transport Accessibility Map in the plan.**
- e) Consider whether a POS deficiency map should be included.**

Objections:

<i>KH1271 BS0925 CO1616CP2055</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1272 BS0926 CO1616 CP2056</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1274 BS0928 CO1619 CP2058</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1275 BS0929 CO1620 CP2059</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>RJ0417, RJ0418</i>	<i>CO Roberts</i>
<i>LK0685, LK0703, LK0704</i>	<i>London Planning Advisory Committee</i>
<i>PI0762</i>	<i>Port of London Authority</i>

Issue(s)

- Add "can" to last sentence of paragraph 2.1.10
- Add sentence to paragraph 2.1.12b regarding north-south vehicle flows
- Clarify wording in last line of paragraph 2.1.12d
- Delete "pollution" from paragraph 2.1.12e
- Modify wording in last sentence of paragraph 2.1.12f
- Add "for both people and goods" to the last sentence of paragraph 2.1.12f
- Clarify wording in paragraph 2.1.12f-
- Update housing figures
- Add "highly accessible by public transport so ..." to last sentence of paragraph 2.1.9
- Modify text paragraph 2.1.9 for consistency

Representations in Support:

PI3038
GF3108

Port of London Authority
Government Office for London

Conclusions:

- 2.1 "Can" has been added to paragraph 2.1.10. This recognises that development does not necessarily detract from the appearance of the townscape or deplete the availability of natural landscape.
- 2.2 A further sentence has been added to paragraph 2.1.12b. This adds to the list of busy routes by identifying Holland Park and the Earl's Court One Way System.
- 2.3 The last sentence of paragraph 2.1.12d has been deleted and replaced. The replacement sentence has clarified information on the length of car trips by residents and no longer mentions mean values for the length of trip, which were misleading.

- 2.4 Revised paragraph 2.1.12f explains why there is a need to reduce traffic. This includes air quality, road congestion and road safety. It seems to me that paragraph 2.1.12e is concerned with pollution from traffic and that other concerns about traffic are considered elsewhere. I see no need to delete "pollution" from this paragraph.
- 2.5 Paragraph 2.12f has been revised and the last sentence further amended and strengthened. This has clarified the statement about reducing the need to travel and promotes other means of travel than the private car. This is a general statement in the Context Chapter of the plan and more detailed policies directing development to sustainable locations well served by public transport are contained in other sections of the plan. I do not consider they need to be repeated here.
- 2.6 As the last sentence has changed, to add "for both people and goods" would not be helpful. The Council has in its rewording mentioned the promotion of rail and river – based freight movement.
- 2.7 Housing figures have and are being updated. Paragraph 2.1.5 has now been amended to reflect guidance in RPG3.
- 2.8 The "Overall aim" paragraph on page 11 seems to be out of order and could better be located after paragraph 2.5.11a at the end of the section.
- 2.9 The last sentence of paragraph 2.1.9 has been revised to make it clear that it is important to ensure that jobs and homes are highly accessible to each other by means of non-car modes of transport.
- 2.10 **RECOMMENDATION**

Locate "Overall aim" statement after paragraph 2.5.11a

Central London

Objections:

FE0794

*Kensington & Chelsea With Westminster
Friends of the Earth*

Issue(s)

- Section should refer to sustainable development

Conclusions:

2.11 Although “sustainability” could be mentioned in paragraph 2.4.4 rather than do so the Council has spelt out what factors define capacity. These factors are environment, transport and land availability. “.....**in a sustainable way**” could be added to the end of the first sentence but I do not feel strongly about it as sustainability is implied in the present wording.

2.12 RECOMMENDATION:

Consider whether to add the words “**in a sustainable way**” to the end of the first sentence.

Sustainable Development

Objections:

<i>GF2029</i>	<i>Government Office for London</i>
<i>EG0523</i>	<i>English Heritage</i>
<i>KH1277 BS0931 CO1622 CP2061</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH2022 BS0865 CO2021 CP2392</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH2024 BS0866 CO2039 CP2393</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>CB0271</i>	<i>George Law, Campden Hill Resident's Association</i>
<i>MB0091</i>	<i>Mr Henry Manisty</i>
<i>RJ0419</i>	<i>CO</i>
<i>FE0796 FE0797</i>	<i>Kensington and Chelsea with Westminster Friends of the Earth</i>

Issue(s)

- Delete "long term" and "short term" from paragraph 2.5.2
- Add "daylighting" and "sunlighting" to paragraph 2.5.7
- Add to list of bullet points in paragraph 2.5.11a reference to local shopping
- Protect heritage
- Modify wording of second sentence of paragraph 2.5.12
- Add social progress objective
- Simplify wording in objective a. of paragraph 2.5.12
- Add reference to motor traffic in paragraph 2.5.12a
- Add "to maximise the reuse of land, buildings and building materials" to objective b.
- Strengthen objective c. by replacing "To conserve and enhance" by "To reinforce local distinctiveness"

Representations in Support:

<i>PI1885</i>	<i>Port of London Authority</i>
<i>NE0896</i>	<i>Mr R.Price, Northern Planning Forum</i>
<i>FE0795</i>	<i>Kensington & Chelsea With Westminster Friends of the Earth</i>
<i>LK0708</i>	<i>London Planning Advisory Committee</i>

Conclusions:

- 2.13 The words "long term" and "short term" have been deleted from paragraph 2.5.2 as the issues are current.
- 2.14 The Council has agreed to add "daylighting" and "sunlighting" to paragraph 2.5.7. Although the list is not exhaustive it is helpful to add these two important considerations.
- 2.15 I consider it would be helpful to make the list more comprehensive by adding a reference to local shopping in paragraph 2.5.11a
- 2.16 In my view policies and supporting text, some recommended for revision, in the Conservation and Development Chapter provide a sound basis for protecting and enhancing the Borough.
- 2.17 A new paragraph dealing with social considerations has been added after paragraph 2.5.11. I consider this meets the objection raised.
- 2.18 Paragraph 2.5.12 has been revised to substantially meet the objections raised. This has made the meaning more explicit both in the introduction and the criteria which follows. As the words "conserve and enhance(ment)" have been used twice in this short criterion c, and because I believe the suggested wording would more clearly state what is intended to be achieved, I consider that "To conserve and enhance" should be replaced with **"To reinforce local distinctiveness"**
- 2.19 The Council has agreed to revise paragraph 2.5.12a. This clarifies the important fact that encouraging alternative means of transport is fundamental to traffic reduction.

2.20 RECOMMENDATION:

- a) **Replace "To conserve and enhance" with "To reinforce local distinctiveness" in paragraph 2.5.12**
- b) **Add "promote the strengthening of local centres to meet the day to day needs of residents and to fill identified gaps in local provision" in paragraph 2.5.11a.**
- c) **Otherwise modify in accordance with Proposed Revisions.**

Overall Strategy

Objections:

<i>AB0096</i>	<i>Miss E.Arbutnot</i>
<i>KH1281 BS0935 CO1626 CP2065</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1282 BS0936 CO1627 CP2066</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1283 BS0937 CO1628 CP2067</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>FE1972</i>	<i>Kensington & Chelsea With Westminster Friends of the Earth</i>

Issue(s)

- Strategic Policies are misleading
- Add to STRAT 4a: "LOCATES IN PLACES THAT ARE WELL SERVED BY PUBLIC TRANSPORT"
- Add to STRAT4c: "STRENGTHENING OF LOCAL CENTRES TO ENSURE THE"
- Change "SUPPORT" to "PROMOTE" in STRAT 4c
- STRAT 4d should read: "TO PROMOTE SUSTAINABLE DEVELOPMENT TO ENHANCE THE QUALITY OF LIFE FOR RESIDENTS, WORKERS AND VISITORS TO THE BOROUGH"

Representations in Support:

<i>AB0097</i>	<i>Miss E.Arbutnot</i>
<i>LK0705, LK0709</i>	<i>London Planning Advisory Committee</i>
<i>GF3116</i>	<i>Government Office for London</i>
<i>FE0798</i>	<i>Kensington & Chelsea With Westminster Friends of the Earth</i>

Conclusions:

- 2.21 A number of the strategic policies are not before me. The objections were, therefore, determined by the Council to be "not duly made" and I have no rebuttal evidence to consider in respect of them.
- 2.22 I do not find substance lacking in revised STRAT4a. This is, however, a strategic policy and will be implemented through other more detailed policies in the plan, including those in Chapters 4,7 and 10.
- 2.23 The wording suggested by the objectors has been added to STRAT 4a and adds the very important consideration of public transport

- 2.24 It seems to me that the revised wording of STRAT 4c makes it clear that the local provision of services will be promoted. This implies that the local centres will be strengthened.
- 2.25 "Promote" has been changed from "support" in STRAT 4c. This makes the policy more positive.
- 2.26 STRAT 4d is a general policy which, as revised, promotes sustainable development in the interest of conserving and enhancing the environmental quality of the Royal Borough. It is self evident that such conservation and enhancement would be to the benefit of everyone but I do not believe it needs to be spelt out.

2.27 RECOMMENDATION:

Make no further modifications in response to these objections.

Objections:

<i>LK0686, LK0687, LK0688, LK0689, LK0727, LK0728, LK0729, LK0730</i>	<i>London Planning Advisory Committee</i>
<i>AB0098</i>	<i>Miss E. Arbuthnot</i>
<i>KH1291 BS0945 CO1637 CP2075</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1297 BS1058 CO1643 CP2081</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1298 BS1059 CO1644 CP2082</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1299 BS1060 CO1645 CP2083</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>EH3000, EH3002</i>	<i>Professor A.J. Seeds Elm Park & Chelsea Park Residents' Association</i>
<i>TG0552, TG0553</i>	<i>Spenn Hill Properties Ltd</i>
<i>GF0778</i>	<i>Government Office for London</i>

Issue(s)

- Update housing figures in relation to strategic policies
- New strategic policy to encourage the restoration of single family houses with gardens
- STRAT 4a should be amended to seek a reduction in visitor related development
- STRAT 4b should reflect RPG3
- STRAT 4c should mention local centres
- Add to STRAT 18: "ARE WELL SERVED BY PUBLIC TRANSPORT AND"
- STRAT 21 should say "SUPPORT" instead of "SEEK" and should be modified to deal with the reduction of road traffic movement specifically within the Borough
- Alter STRAT 29 to read: "TO SUSTAIN AND ENHANCE"
- Amend STRAT 29a to: "Reduce retail development" since the borough is already over-provided
- Add to the end of STRAT 30: "BY TAKING ACTION TO IMPROVE THEIR ATTRACTIVENESS AND COMPETITIVENESS"
- Add "IN PRINCIPAL AND LOCAL CENTRES" to STRAT 31
- Widen STRAT 31 to recognise that shops and services are accessible throughout the day and night to reflect the needs of residents and workers
- Acceptable locations in STRAT 33 needs to be clarified and defined

Representations in Support:*BF0252, BF0262**British Waterways, London Region*

Conclusions:

- 3.1 A number of strategic policies which were the subject of objection are not up for alteration and because of this the Council has determined that those objections were not duly made.
- 3.2 Updated figures are to be, and have been included, in different sections of the plan.
- 3.3 Single family dwellings are adequately protected by policies in the Housing Chapter, in particular Policy H6.
- 3.4 The suggested wording by the objector is slightly more permissive and more appropriate to the Central London part of the Borough. The Council has modified STRAT 4b accordingly. Although STRAT 13 is not up for change additional text has been added to the Context Chapter and the Housing Chapter to reflect the guidance in RPG3 and to update details of future housing provision.
- 3.5 STRAT 4c already mentions local provision of services and facilities. In my view this would include local centres.
- 3.6 The Council has indicated that the objection to seek a reduction in visitor related developments is not "duly made" and has not commented upon it, although it is listed as an outstanding objection. I merely comment that Policy STRAT 4a, which indicates where further visitor related development might be acceptable, reflects national and regional guidance.
- 3.7 The Council has already made the suggested addition to include "are well served by public transport" in STRAT 18. I consider this a necessary revision to recognise the importance of public transport in the Borough.
- 3.8 STRAT 21 has been revised in accordance with the objection. I agree that "support" is preferable to "seek." This is a strategic policy and the more detailed measures to reduce traffic are contained in the Transportation Chapter at Objective E. As the strategy deals with the support for a reduction of traffic movement within the whole of the metropolitan area this must also imply that it would support a reduction in the Borough.
- 3.9 I do not feel strongly about the insertion of "sustain and" in the first line of STRAT 29. It might not always be possible to enhance the vitality and viability of a centre but it might be possible to sustain it. However, as the policy states "to seek" this accepts that the Council may not always succeed.
- 3.10 According to the Retail Capacity Study the Borough is not over provided with shops.
- 3.11 STRAT 30 does not appear to be part of the current alterations although the Council has commented on the objection. The objective of this policy is reflected in more detailed policies in the Shopping Chapter..

- 3.12 In my view, as written STRAT 31 already covers all shops and services. I do not consider it necessary to specifically mention Principal and Local Centres. These are dealt with in detail in the Shopping Chapter.
- 3.13 I believe that as a strategic policy STRAT 31 makes it clear that the needs of those who live and work in the Royal Borough should be met. If that need also includes certain night time or twenty four hour services the policy as written covers them. It should be left to more detailed policies to define where such uses are acceptable.
- 3.14 It seems to me that the objection in this case is not so much to this general strategic policy but to the way it has been refined in the Hotels Chapter – 10 and particularly at Policy T1 and the explanatory text. See my report on the Hotels Chapter. “Acceptable locations” are defined in paragraph 10iii of that chapter
- 3.15 It would be helpful if the list of strategic policies were separated by headings into their various topics. E.g. Conservation and Development before STRAT 5, Housing before STRAT 13 etc

3.16 RECOMMENDATION

- a) **Insert headings between topics for clarity**
- b) **Otherwise modify in accordance with Proposed Revisions.**

Objections:

<i>LM0629</i>	<i>N.Sebag-Montefiore, Ladbroke Association</i>
<i>NE0908</i>	<i>Mr R.Price, Northern Planning Forum</i>
<i>LD0156</i>	<i>Mr Esa Pernu & TainaLehtinen</i>
<i>BL0329</i>	<i>Rachel Birchhoff</i>
<i>KH1602 BS0948 C01838 CP2379</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>NB0335, NB0786</i>	<i>Lindy Wiffen, Notting Hill Action Group</i>
<i>PF0310</i>	<i>Anon</i>
<i>SG0491</i>	<i>Claudia Shaffer</i>
<i>WE0282</i>	<i>Lady Warner</i>

Issue(s)

- Conservation area extensions should be included in UDP Review
- Wider use of Article 4 Directions
- Use of the word “normally” in policy

Representations in Support:

<i>OC0403</i>	<i>Hugh Brady, Onslow Neighbourhood Association</i>
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Conclusions:

- 4.1 I have dealt with this suggestion elsewhere in the Plan. However, extensions to conservation areas should be dealt with individually, as part of a continuing review of those areas of character within the Borough under conservation area legislation. It is not appropriate for them to be dealt with in the UDP.
- 4.2 Article 4 Directions should be used sparingly. However, if the Council identifies a particular problem of permitted development in a conservation area the powers are available to use Directions.
- 4.3 I have dealt with the use of the word **normally** in the introduction to the plan at Chapter 1. This affects Policies CD41, CD42, CD43, CD44a, CD44b, and CD58 in this Chapter and other policies where there has been no duly made objection.

4.4 RECOMMENDATION:

Make no modification in response to these objections other than the deletion of the word “normally” from policies. CD41, CD42, CD43, CD44a, CD44b, and CD 58

Part I General Policies and Reasoned Justifications

Objections:

<i>KH1321 BS0967 CO1667 CP2104</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1338 BS0986 CO1686 CP2121</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1339 BS0987 CO1687 CP2122</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>SK0614</i>	<i>Bernard Selwyn</i>
<i>GF0780</i>	<i>Government Office for London</i>

Issue(s)

- Need for a strategy
- Extent of Conservation Areas in the Borough
- Change last sentence of paragraph iv into a list of bullet points
- Insert "archaeological record" into paragraph iv
- Modify paragraphs 4.2.2 and 4.2.3 of CD1 to reflect RPG3b/9b.

Conclusions:

- 4.5 I do not believe there is a need to repeat the strategy which is now contained in the Context Chapter of the plan.
- 4.6 About 70% of the Borough is covered by conservation area designation. Any increase in area would be dealt with in accordance with paragraph 4.1 above.
- 4.7 I consider that revised paragraph 4iv is clear and I have no strong feeling about changing the short list into bullet points.
- 4.8 The original paragraph iv, to which the reference to "archaeological record" relates has been deleted and replaced with wording based on more up to date guidance from RPG3b/9b.
- 4.9 Paragraphs 4.2.2 and 4.2.3 have been revised as suggested by the objectors. The wording now reflects RPG3b/9b and makes reference the revised boundary of the Thames Special Policy Area to include Chelsea Creek and the Worlds End Estate, and that the Thames Strategy – Kew to Chelsea – is being prepared and will be considered as Supplementary Planning Guidance.
- 4.10 RECOMMENDATION:**

Make no modifications in response to these objections.

Protecting or Enhancing Areas of Existing Character

Objections:

<i>SL0893</i>	<i>Mr Andrew Hamilton, South Planning Forum</i>
<i>KH1319 BS0965 CO1666 CP2102</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1323 BS0969 CO1669 CP2106</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1324 BS0970 CO1670 CP2107</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1342 BS0991 CO1691 CP2125</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1345 BS0994 CO1694 CP2128</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1346 BS0995 CO1695 CP2129</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1347 BS0996 CO1696 CP2130</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1348 BS0997 CO1697 CP2131</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1350 BS0999 CO1699 CP2133</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>KH1351 BS1000 CO1700 CP2134</i>	<i>Central Planning Forum (Mr M Bach, The Chelsea Society, The Kensington Society)</i>
<i>FE0799</i>	<i>Kensington & Chelsea With Westminster Friends of the Earth</i>
<i>CB0039</i>	<i>George Law Campden Hill Resident's Association</i>
<i>FB0371</i>	<i>FL Estates</i>
<i>GD0354</i>	<i>Goldcrest Homes London Limited</i>
<i>OE0826</i>	<i>T.E.Nodder, Oakley Street Residents' Association</i>
<i>KG0581, KG0582</i>	<i>Kensington and Chelsea Chamber of Commerce</i>
<i>GF3118, GF0781</i>	<i>Government Office for London</i>
<i>LK0725</i>	<i>London Planning Advisory Committee</i>
<i>LM0627</i>	<i>N.Sebag-Montefiore Ladbroke Association</i>
<i>RL0545</i>	<i>Royal Brompton & Harefield NHS Trust</i>
<i>SF0317</i>	<i>Holly Smith</i>
<i>PI0746</i>	<i>Port of London Authority</i>
<i>BR0516, BR0517</i>	<i>R.W.Burlton</i>
<i>ND0567</i>	<i>Northacre</i>
<i>EH3003</i>	<i>Professor A.J.Seeds Elm Park & Chelsea Park Residents' Association</i>
<i>EG0524, EG0525</i>	<i>English Heritage</i>

Issue(s)

- Include policies for development on Battersea Riverside
- Shared use of the Thames Path with cyclists
- Use of terminology to describe Thames Policy Area
- Policies for the Thames should reflect the advice in RPG3B
- Thames policies not sufficiently strategic. No reference to notify Mayor for London on relevant development
- Change last 3 lines of paragraph 4.2.2 into a list
- Reason justification to Policy CD1a should be strengthened
- Interpretation of the Council's policies under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Amend criterion f) of Policy CD7 to read: "Maintaining a pedestrian arcade with direct access into South Kensington Station"
- Relationship of pedestrian arcade to proposed redevelopment in criterion f) of Policy CD7
- Additional policies required for areas of special character
- Need for specific policy and identification of local views
- Change "providing" to "provided that" in Policy CD20
- Concept of green chains should be applied to rear gardens
- Delete "under the control of the Council" from paragraph 4.2.26
- Paragraph 4.2.27a is too restrictive and general
- Add " and swimming pools" to third sentence of paragraph 4.2.27a
- Need for a policy to prevent helicopters overflying the Borough
- Policy CD22 should be more specific in relation to car parking
- Policy CD22 is too restrictive in relation to car parking under garden squares
- Request for Supplementary Planning Guidance for Portobello Road Area
- Request for consultation on Supplementary Planning Guidance
- Include Historic Parks and Gardens on either the Proposals Map or other map.

Representations in Support:

*GF3113, GF3119, GF3120
CC0072, CC0076*

FE0800

*LM0625
OC0404, OC0405*

PI3036

*BF0253, BF0254, BF0255, BF0256
BF0257
LF0161*

*Government Office for London
Miss U.Overbury, Cornwall Gardens
Residents' Associations
Kensington & Chelsea With Westminster
Friends of the Earth
N.Sebag-Montefiore Ladbroke Association
Hugh Brady, Onslow Neighbourhood
Association
Port of London Authority
British Waterways, London Region
London Transport Planning*