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(JL/1495/L4167)

Architecture
Design
Space Management

PP032526

21st November 2003

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London W1T 1AF
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The Planning Department
The Royal Borough of Kensington & Chelsea
Kensington Town Hall
Hornton Street
London W8 7NX

tectus

Dear Sirs,

25 Penzance Street, London W11 4QX

We attach an application for planning consent to extend the above property to the rear at second floor level, comprising: -

- 4 completed TP1 application forms;
- 4 copies of the application drawings;
- 4 copies of our Design Report
- a cheque for £110.

Access to the site can be organized through this office. Please let us know if you require any additional information.

Yours faithfully,



John Langley.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	28 NOV 2003			PLANNING		
N	C	SW	SE	APP	IO	REC
		ARB	FPLN	DES	FEE	

Directors
John Langley BA, B Arch, RIBA
Paul Stansall MA, Dip Arch, RIBA

Tectus Architecture Limited
Registered in England Number 2299321
Registered Office 138 Park Lane
London W1K 7AS

VAT no. 480 757716

DEVELOPMENT CONTROL TECHNICAL INFORMATION

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

ADDRESS 25 Penzance street
London W11 4QX

POLLING DISTRICT NOB

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

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unsuitable for Diplomatic Use	PSC		LSC	AI	SV	SNCI	REG 7	ART IV	
									C	N							
2			20/74														✓

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

Density	
Site Area	
Habitable Rooms Proposed	
Proposed Density	

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

Daylighting	Complies	
	Infringes	

Car Parking	Spaces Required	
	Spaces Proposed	

Notes:

25 PENZANCE STREET

PP032526
Property Card No : 0657 011 00

Sitename :
 Comment :
 TP Arch/History : H 8035
 See Also :

Xref :
 Notes :

TP No Brief Description of Proposal 1 of 4
 ALTERATIONS TO NO. 25.

Received Decision & Date
 Complet'd Conditional 27/06/1963
 Revised

TP No PP/01/1349 Brief Description of Proposal 2 of 4
 THE ERECTION OF A REAR SECOND FLOOR ADDITION.

Received 11/06/2001 Decision & Date
 Complet'd 18/06/2001 Refused 27/07/2001
 Revised

TP No CL/01/1544 Brief Description of Proposal 3 of 4
 NEW SINGLE STOREY SIDE EXTENSION TO REAR GROUND FLOOR.
 (CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT)

Received 06/07/2001 Decision & Date
 Complet'd 11/07/2001 Cert. of Lawful Use 23/07/2001
 Revised

TP No PP/02/0267 Brief Description of Proposal 4 of 4
 ERECTION OF SECOND FLOOR REAR EXTENSION WITH ROOF TERRACE.

Received 24/01/2002 Decision & Date
 Complet'd 06/02/2002 Refused 25/03/2002
 Revised 27/02/2002



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 London W1T 1AF

25 Penzance Street, W11 4QX

DESIGN REPORT

November 2003

EX DIR	HDC	TP	CAC	AD	CLU	AO
R.B.						
K.C.	2 8 NOV 2003				PLANNING	
N	C	SW	SE	APP	IO	REC
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PP 032526

Introduction

This design report is submitted to the London Borough of Kensington & Chelsea in support of an Application for Planning Permission to extend the rear of 25 Penzance Street, W11 4QX at second floor level.

Existing Building

No 25 is a mid terrace property within seven similar properties fronting Penzance Street. At the rear it has been altered considerably and already has a modern extension to ground and first floor levels.

The Proposals

The proposals are for a new extension, which is designed:-

- to rise no higher than the existing neighbouring and nearby extensions;
- to rise only to a height well below the existing eaves of the property;
- to incorporate traditional detailing appropriate to a Conservation Area.

Character and Context

No 25 is a mid terrace property within seven properties that present a relatively unaltered, coherent and unified frontage to Penzance Street. At the rear however there is little unity remaining. No's 23, 24 25 and 27 in particular have been considerably re-modelled and extended, and no's 23, 24 and 27 already have second floor extensions.



View from Penzance Street



Views at Rear



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Spatial Management
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Fax +44 (0)207 438 8461
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tactus

The continuation of Penzance Street into St James Gardens presents a frontage to the square that is also relatively unaltered, coherent and unified. Unlike no's 22 – 28 Penzance Street, the rears of these properties also exhibit these characteristics. At the opposite end of the street however, the buildings forming the setting for the terrace are a mixture of large and small-scale modern buildings of undistinguished design.

Whilst the frontages to no's 22-28 Penzance Street are prominent and clearly visible within this surrounding townscape, the rear of the properties are virtually invisible. The rear gardens of these houses back onto Princes Place where they are bounded by a high brick wall that is further made visually protective by the presence of a timber trellis and abundant planting. Access into Princes Place from Princedale Road is circuitous, and tall modern buildings completely block any views of the rear of the buildings and gardens to Penzance Street. From street level in Princes Place only largely obscured glimpses of the roofs of the houses on Penzance Street are possible.



Access into Princes Place from Princedale Road



View towards bend in Princes Place



Princes Place



Oblique view along Princes Place showing greatest visibility of rear extensions



View along Princes Place with 18/19 Penzance Street to rear



Typical view from Princes Place towards Penzance Street

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Whilst we accept that the situation for the properties facing St James Gardens is otherwise, we do not believe that the existing rears of nos 22-28 Penzance Street contribute in any positive way to the character and amenity of the conservation area.

Building Design

No 25 Penzance Street has an existing extension to first floor level that is of modern appearance, and is finished in roughcast white render. At second floor level the historic openings have been substantially modified, and present an incoherent and unattractive appearance to the building at high level.

Our proposals are for an additional extension in traditional materials, with second hand stock brickwork walls, and painted timber joinery to the new window and door. A shallow 'terrace', with a railed opening matching those to nos 23, 24 and 27 allows the second floor to be recessed behind the line of the existing extension. The existing roughcast render is extended up to the line of the coping to this terrace, and terminated along a projecting matching stringcourse that demarcates the boundary between render and stock brickwork.

The scale, materials and detail of the proposed extension would ensure that the varied, yet repetitive rear character of this unseen row of properties in the conservation area is not only maintained, but also enhanced.

Privacy and Overlooking

As has been acknowledged by the Council with regard to a previous application (PP/02/00287 - delegated report) - these proposals 'would not result in any significant increase in overlooking, given the existing access to the whole of the roof, and that there are other similar terraces nearby'.

Daylighting and Sunlighting

As has also been acknowledged by the Council with regard to a previous application (PP/02/00287 - delegated report) - these proposals would not result in any significant loss of light to the neighbouring properties.

- NOTES**
1. Do not scale.
 2. Contractors to check dimensions of all build elements on site.
 3. This drawing is copyright.



Key Plan	
Client	28 POYNACE STREET LONDON W1T
Drawing Title	LOCATION PLAN
Drawing No.	1401_2_01
Date	October 02
Drawn	Checked
Architects & Design	
4-4 Abchurch Lane London W1T 7AE Telephone +44 (0)207 439 4000 Fax +44 (0)207 439 9001 www.tectus.co.uk www.tectus.co.uk	
TECTUS	

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524317m
180231m
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Wade, Jonathan: PC-Plan

From: Salisbury, Hazel: CP-Legal
Sent: 08 October 2004 10:39
To: Townley, Rebecca: PC-Plan; Wade, Jonathan: PC-Plan
Subject: 25 Penzance Street -- Planning Inquiry

Dear Rebecca,

Thank you for providing me with a copy of a letter from the planning Inspectorate dated 28 September 2004 relating to the above inquiry.

I note that this inquiry is listed for only one day and in the past we have considered that it is likely to go over to another day and have kept a room available for the following day. We have two witnesses namely Jon Wade and Denis McCoy and I therefore suggest that you respond stating that it should be listed for at least another half a day.

Let me know if you need any more information on this,

Regards, Hazel

*Hazel Salisbury
Solicitor (Property & Planning)
for the Director of Law and Administration
Tel: 0207 361 3370
Fax: 0207 361 2748
e-mail: hazel.salisbury@rbkc.gov.uk*

Secretary: Sue Billington - 0207 361 2610

TOWN AND COUNTRY PLANNING ACT 1990

25 PENZANCE STREET, LONDON, W11 4QX

APPEAL BY PROFESSOR P. J. CICLITIRA

PRE-INQUIRY STATEMENT OF THE

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

RBKC Reference: DPS/DCN/PP/03/02526

ODPM Reference: APP/K5600/A/04/1143590

1.0 INTRODUCTION

1.1 This is an appeal against the Council's decision to refuse planning permission for the erection of a second floor rear extension with roof terrace at 25 Penzance Street, London, W.11.

2.0 THE APPEAL SITE AND SURROUNDINGS

2.1 The appeal relates to a three storey with basement mid-terrace Victorian property situated on the southern side of the street within the Norland Conservation Area.

2.2 The property is a single family dwelling. It is not listed.

2.3 The character of this part of the terrace is one of smaller Victorian residential properties which have an intimate human scale.

3.0 APPLICATION WHICH IS THE SUBJECT OF THIS APPEAL

3.1 The Council will describe the appeal proposal as:

(i) the erection of a second floor rear extension with roof terrace.

4.0 POLICY CONTEXT

- 4.1 The advice of Central Government with regard to General Policies and Principles PPG1, Housing in PPG3 and Planning and the Historic in PPG15 may be referred to.
- 4.2 The statutory plan for the Royal Borough of Kensington and Chelsea is the Unitary Development Plan, the revised of which was adopted in May 2002.
- 4.3 Reference may be made to the overall aim of the plan and the policy strategy.
- 4.4 The "Conservation and Development" Chapter of the Unitary Development Plan may be referred to and the strategy and policies which are relevant to this appeal will be identified, in particular Policies CD27, CD33, CD35, CD36, CD46, CD47, CD57, CD61 and CD62.
- 4.5 The published Conservation Area Proposals Statement for the Norland Conservation Area may be referred to.
- 4.6 Strategic policies may be referred to, particularly STRAT 10. The four overall objectives for conservation and development as contained within the Unitary Development Plan may be referred to.

5.0 THE COUNCIL'S CASE

- 5.1 The Council will provide evidence to demonstrate that:-
- 5.2 The proposed second floor extension cannot be considered to be a subservient feature on the host property. It is noted that three of the seven properties within the terrace have extensions at second floor level (Nos. 23, 24 and 27). There is no planning record for the extension at No. 24 and those at Nos. 23 and 27 were granted planning permission in 1986. A later extension at No. 22 Penzance Street was refused in December 2000. Whilst the two permissions in the 1980s are material considerations, it is considered that the rear extensions on these properties in the terrace demonstrate the harm caused by such extensions on the appearance of the

building and the terrace. It is not considered that the presence of these historic examples should justify the further deterioration of the appearance of the terrace. Whilst the proposal does not reach quite up to the eaves level, it will still obscure the remaining area of the main elevation of the building and the cumulative impact of extensions means that it cannot be considered subordinate to the host property.

6.0 DOCUMENTS

- 6.1 The following documents may be referred to or put in evidence at the Public Inquiry by the Council's witnesses.
- 6.2 The Royal Borough of Kensington and Chelsea Unitary Development Plan, as adopted in 2002. The contents of previous Council plans and their policies.
- 6.3 Planning Policy Guidance notes, in particular PPG1, PPG3 and PPG15.
- 6.4 The Conservation and Area Proposals Statement for the Norland Conservation Area.
- 6.5 The contents of planning file ref. PP/03/02526 and previous files of other properties in the terrace which may be of relevance.
- 6.6 The Council refers the right to refer to or produce any other documents should it prove necessary.

7.0 PUBLIC CONSULTATION

- 7.1 The Council may refer to consultation carried out regarding the proposals and the content of the responses received.

① PC + UB ② SCH - speak to Jon + reply!

McCoy Associates Chartered Town Planners

54 New Street • Henley-on-Thames • Oxon RG9 2BT • Tel: 01491 579113
 Fax: 01491 410852 www.mccoyassociates.co.uk email: denis@mccoyassoc.co.uk

21 September 2004

✓ Our ref RBKC/PS

For the attention of Jon Wade
 The Executive Director of
 Planning and Conservation
 Royal Borough of Kensington & Chelsea
 The Town Hall
 Hornton Street
 London W8 7NX

dn
2/9.

Dear Mr Wade

25 Penzance Street, W11 4QX

I refer to our telephone conversations and to the papers which you sent me under cover of a compliment slip dated 13 September. You enquired whether I felt able to support you with conservation area evidence at a forthcoming Inquiry into the Council's refusal to permit a second floor rear extension to the above property.

After reflection I have come to the conclusion that I could do so, although the decision is not as clear-cut as many taken by the Royal Borough. Put very briefly it seems to me that the character and interest of the terrace have already been compromised, there is continuing pressure for further erosion, and the Council are resisting this consistently - ie they have "drawn the line". The character of the conservation area depends in part upon the mixture of Victorian dwellings predominantly constituting its development. The appeal property started off as a modest dwelling, typical of a proportion of those in the conservation area, and it and several of its neighbours have been significantly enlarged. If all the smaller dwellings in the conservation area were to be similarly enlarged the altered mix would, in my judgement, detract from the area's character. There is less to be said about ways in which the proposed development would harm the appearance of the area - not least since its location is so particularly secluded - but it would be wrong to say the scheme would be an enhancement.

If appointed my fee for preparatory work, drafting a Proof of Evidence, one conference with Counsel, and finalising the evidence and any necessary appendices will be £2250. For appearing at the Inquiry my fee will be £500, and if any work currently unforeseen is found to be necessary it will be invoiced at my usual rate of £95 per hour. These figures are exclusive of any expenses necessarily incurred, and of VAT.

During one of our discussions you explained how surprised you had been that this matter is going to Inquiry. I share that surprise. I am involved in an appeal elsewhere concerning the proposed erection of dwelling on garden land in a conservation area. The appellant,

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K.C.						
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22

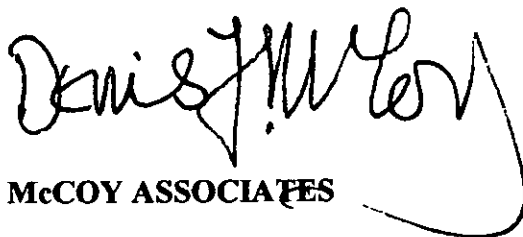
Denis F McCoy DiplArch(Oxford) ARIBA FRTP I FRIAI

McCoy Associates Limited, company registered in England no 4457420
 VAT No. 363 3525 59

on Counsel's advice, requested that the matter be dealt with by Inquiry. The Inspectorate have declined that request, and I enclose for your information a copy of their letter. It does seem that among their current problems is a difficulty in treating all parties consistently.

I look forward to hearing from you in due course.

Yours sincerely


McCoy Associates

enc

PS (Perhaps Building Control have records which indicate when no 24 was most recently extended?)

The Planning Inspectorate

3/04b Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
<http://www.planning-inspectorate.gov.uk>

Direct Line ... 0117-3728409
Switchboard 0117-3728000
Fax No 0117-
GTN 1371-8409

RECEIVED 23 AUG 2004

RECEIVED

- 5 AUG 2004

Mr I S Henstock
6 Lowbrook Close
Aylesbury
Buckinghamshire
HP21 9XW

Your Ref:
Our Ref: APP/J0405/A/04/1156704
Date: 4 August 2004

Dear Mr Henstock

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY WENDOVER COMMUNITY TRUST
SITE: LAND AT LITTLE HAMPDEN CLOSE, WENDOVER, BUCKINGHAMSHIRE**

Thank you for your letter of 28 July about the procedure to be adopted for the above appeal.

We have referred your letter, together with the appeal file, to a senior office-based Inspector. His view was that an inquiry could not be justified for this appeal and that a hearing should be held. He considered that there is little to indicate that cross-examination is necessary and no indication as yet of significant public interest. The main issues appear to be few and they are likely to focus on the effect of the proposed development on the Conservation Area and the setting of nearby listed buildings.

In the circumstances, I have enclosed an 'initial letter' for a hearing.

Yours sincerely



KEITH VINICOMBE

Cc Aylesbury Vale District Council

EX DIR	HDC	TP	C&C	AD	CLU	AO AK
R.B. K.C.	22 SEP 2004				PLANNING	
N	C	S.	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Gentry, Sarah: PC-Plan

From: Denis McCoy [denis@mccoyassoc.co.uk]
Sent: 13 October 2004 16:57
To: Sarah.Gentry@rbkc.gov.uk
Cc: Jonathan.Wade@rbkc.gov.uk;
Subject: 25 Penzance Street Inquiry

Dear Sarah Gentry

I have made some changes to my draft Proof, following from the comments provided by Tom Cosgrove today.

This is attached, and I hope you will find it helpful in taking on board those comments which he made on John's Proof.

If we need to talk about how best to adjust John's Proof I will be at a meeting in the Town Hall on Friday morning and we could get together after. If you think it a good idea please give me a ring tomorrow, Thursday.

Sincerely
Denis McCoy

CD27.
47

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CD47d.

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57

61 - fail to present ^{or enhance} char or app of ca.

62 - a, b, c,

25 Penzance Street, London W11 4QZ

Rear extention and roof terrace

1 INTRODUCTION

- 1.1 I am Denis Frederick McCoy. I am a Fellow of the Royal Town Planning Institute and an Associate of the Royal Institute of British Architects. I hold the Diploma of the Oxford School of Architecture.
- 1.2 In private practice as an architect I have worked on substantial commercial projects in the historic core of Dumfries and at the edge of the New Town, Edinburgh, both of which secured planning permission. I have also worked on smaller schemes in conservation areas in Chichester, Henley on Thames, and elsewhere.
- 1.3 My public sector professional experience includes service as Planning Officer for County Armagh before the planning function in Northern Ireland was centralised and some years as a Principal Planning Officer leading the Conservation Team in the planning department of the Royal Borough of Kensington and Chelsea. In this post my duties included advising the Council on listed building matters and on policies and initiatives in respect of preserving and enhancing the character and appearance of some 30 conservation areas. My practice continues to carry out varied commissions for that Council and for other urban and rural planning authorities, and acts also for a range of commercial and individual clients.
- 1.4 I have been a principal in private practice as a Chartered Town Planning Consultant since 1980 and am at present sole principal of the practice McCoy Associates. In this capacity I have appeared at (among others) Public Inquiries relating to extensions proposed at houses in the Ladbroke Estate and in Kensington Square, to residential development at the rural edge of a conservation area in Swindon Old Town, to a conference centre proposal at Appleby Castle, and to residential development in the grounds of a listed mansion in the Metropolitan Green Belt near Chesham.
- 1.5 I am, and have been for over 15 years, retained by the Vale of White Horse District Council to provide architectural design advice to their development control teams.

- 1.6 I am currently serving as Convenor of the Royal Town Planning Institute's Conservation and Design in the Historic Environment Panel.
- 1.7 I first became aware of the appeal proposal in a telephone call from Mr Jon Wade, a senior member of the Council's Development Control staff, on 10 September 2004. He asked whether I would be available and willing to assist in defending the decision to withhold planning permission.
- 1.8 I confirmed my availability and that I could not confirm willingness until I had seen the proposal and the reasons for the decision. These were posted to me and having reflected on the matter I agreed by letter dated 21 September to accept the commission. I am familiar with the site and its surroundings and have revisited the area explicitly to examine the appeal property and its setting.
- 1.9 My evidence is limited to conservation area considerations and national policy in respect of them. Mr Jon Wade's evidence deals with relevant planning history and development plan policies.
- 1.10 The remainder of my proof is set out under the headings:

- 2 Appeal site and surroundings**
- 3 Supplementary Planning Guidance**
- 4 National policy**
- 5 Amplification of the reason for refusing planning permission**
- 6 Comments on the appellant's Rule 6 Statement**
- 7 Summary and conclusion**

2 The appeal site and its surroundings

- 2.1 The appeal property is within a terrace of seven originally similar three-storey Victorian houses on the south side of Penzance Street (nos 22-28). It has a frontage of almost 5.5m and a rear garden about 13m deep.
- 2.2 It is within the Norland Conservation Area as designated in 1969. Subsequent boundary changes have extended the area, most significantly at the east (map at appendix 1).

- 2.3 The conservation area is characterised by a variety of mid-Victorian houses, predominantly laid out in terraces. There are also a very much lesser number of mid- and late-twentieth century buildings which contrast with the forms and elevational treatments of the earlier development. Some of these are on the north side of Penzance Street, and also to the east of the appeal site. Princes Place, running along the south boundary of nos 22-28 Penzance Street, was redeveloped around 1977. There are views of the appeal property from a first floor access deck there (appendix 2) and from second floor rooms.
- 2.4 To the west Penzance Street runs into St James Gardens where the architectural character is much grander though not wholly consistent.
- 2.5 The terrace including the appeal property is unusual in having gables facing the street, but with a conventional eaves line at the rear. The rear outshots characteristic of such terraces have all been altered or rebuilt. The one at the appeal site is described in the design report accompanying the application as “a modern extension to ground and first floor levels”. I think it probable that this extension is rebuilt in a two-storey form wider than before, with a very shallow monopitch roof. It has subsequently been enlarged at ground floor level to the full width of the site.
- 2.6 The rear eaves line of no 25 is about half a metre higher than that of its neighbours in the terrace. The rear roof pitch being shallower than those adjoining, and detailed photographs on the case file, lead me to suppose that this part of the building was altered many years ago. The little quarter dormer features introduced at nos 24 and 27 suggest that the second floor rear rooms of each house as originally built were rather gloomy – with a small window as still seen at no 26 (bottom photo, appendix 3).

3 Supplementary Planning Guidance

- 3.1 In September 1982 the Council published a Proposals Statement for Norland Conservation Area, as then provided for by section 277 of the 1971 Act. It had been prepared under my direction in consultation with local amenity interests and submitted to a public meeting in the area as required by section 277b(2). Considerable weight should be given to its contents.
- 3.2 The Statement describes the character and appearance of the conservation area, and the history of its development, in some detail. Works in the Norland Estate were briskly under way in the early 1840s, but did not proceed at a uniform pace due to varying buoyancy in the housing market and the over-stretched ambitions of some of the developers involved.
- 3.3 It is apparent that there was a "hiccup" in the development process in the early 1850s, resulting among other things in the site of the appeal terrace and part of the northern side of St James Gardens (then Square) remaining undeveloped in an otherwise completed estate. Daw's map of 1863 refers (appendix 4).
- 3.4 Daws map of 1879 however shows those sites developed, and the first edition OS of 1894-96 illustrates in greater detail the terrace including the appeal site (appendices 5 and 6). This is described at page 40 of the Council's Proposals Statement as:-

"... a quaint little three storey terrace of gabled houses, showing their slate roofs to oblique views, with paired arched windows on their second floors and odd shallow arches over the ground floor windows and doors. Its ancestry is not known, but presumably lies in some small builder's cussedness in wanting to swim against the tide of fashion."

The houses are more compact than most of those completed before the "hiccup".

3.5 Pages 81 and 82 of the Statement include a descriptive discussion of the variety of plan forms offered by developers in the conservation area at different times. I regard the plan forms of the Victorian houses as one constituent of its special character.

3.6 At page 24 an analysis of planning decisions in the decade 1970-1980 reveals 102 permissions for rear extensions and 13 refusals. The preceding page discusses the implications of this:

"The low level of rear extensions refusals gives cause for concern to local amenity societies since it involves building in the rear garden open space. The high success rate is probably due to many of these applications in the case of single family dwellings being close to the permitted development level making outright refusal pointless when the options are to control the quality of a larger built structure or accept whatever is built within the limit. Also in those instances where 'Schedule 8 rights' mean that something is going to be built (to avoid Council liability for compensation) agreement on details is always reached eventually. Part of the character of the area is the limited number of views available from the road into back garden space even at road junctions where infilling of corner sites has effectively blocked views. There is less call, therefore, to ensure compatibility with elevations beyond the aesthetically acceptable level required by overlooking neighbours."

For the purposes of this appeal I think it important to emphasise the weight given to the outlook from neighbouring buildings where as in this case views from the street are limited.

3.7 The local concerns about garden space are reflected in the policy summary on page 68 of the Statement. This provides that where rear extensions require planning permission:

- “...proposals will be judged in relation to their effect upon:*
- privacy, daylighting and sunlighting in neighbouring gardens and houses, and*
 - the character and appearance of the backs of the terrace or street as a group.”*

3.8 A number of the Royal Borough’s Conservation Area Proposals Statements have been reviewed and republished, taking account among other things of evolving development plan policies and changing community expectations – and of updated Government advice. The Norland Statement has not yet been reviewed.

4 National policy

4.1 Government policy regarding conservation areas is set out primarily in PPG15 *“Planning and the Historic Environment”* (1994). The importance of effective stewardship of the historic environment is confirmed at paragraph 1.6 and detailed guidance given in section 4.

4.2 The statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas when exercising planning functions is reiterated at paragraph 4.14. Paragraph 4.16 opens with a reference to commercial centres within conservation areas and confirms that conservation cannot realistically take the form of preventing all new development. The emphasis generally needs to be on controlled and positive management of change. Unnecessarily detailed controls over businesses and householders are to be avoided but local planning authorities are to ensure that any new development accords with an area’s special architectural or historic interest.

4.3 Paragraph 4.18 states that when new development is being considered special regard should be had for matters including scale, height, form, massing and respect for the traditional pattern of frontages.

4.4 Paragraph 4.19 includes a strong presumption against the grant of planning permission for any proposed development in a conservation area which would conflict with the objective of preserving or enhancing its character or appearance.

5 Amplification of the reason for refusing planning permission

5.1 At the appeal property the reconstruction of the rear outshot, and its extension at ground floor level to the full width of the plot, departed significantly from the plan and form characteristic of the Victorian house. However the modern ground and first floor accommodation does remain subservient to the main part of the terrace as is clear from the detailed rear elevation on application drawing no 1405 P 03.

5.2 It is also clear from that drawing that the paired three-storey elements behind nos 23 and 24 are a bulky constituent of the terrace: neither is subservient to what remains of the original accommodation at those houses.

5.3 No 27 is similarly affected Nos 22 and 28, which do not appear on this elevation, both have two-storey outshots with very shallow monopitch roofs.

5.4 These changes have in my view affected the character of the dwellings in the terrace, reducing the number of smaller-scale homes with a plan form characteristic of the era giving the conservation area its predominant qualities.

5.5 The appearance of the terrace has also, to my eye, been eroded by the extensions, despite the general use of brickwork. It may have been thought that the simple unassertive detailing generally employed quietly acknowledged the reality of these extensions being modern. But it seems to me that the scale of the openings and the flat roofs behind parapet walls are not features sympathetic to the visual character of the terrace, most particularly with the three-storey structures (photos, appendix 7).

5.6 The appeal proposal is to erect at second floor level an extension rather more than two-thirds the width of the plot - as is the present first floor structure.

5.7 The height is proposed to be very similar to that of the three other three-storey structures, and of course a storey higher than the three other two-storey outshots. The height of the proposed extension would rise to the general eaves line of the terrace, but would be half a metre or so below that of the appeal property.

Sub

5.8 If the form and massing of the present rear outshot were to be altered in this way significantly more of the rear elevation of the old part of the house would be obscured from neighbours' views and from the limited public viewpoints affected. I do not consider the three-storey extension which would result would be subordinate to the parent building as sought by UDP policy CD47.^d Rather it and the other overly large structures would dominate to a greater degree than now such views as there are of the south of the old parts of the terrace. X

5.9 I recognise of course that the character and proportions of the proposed extension are carefully related to those of the existing three-storey extensions nearby. But as noted above I do not regard those structures as harmonious

additions and I do not believe the appeal scheme would be one either. Rather I consider the proportions, bulk and scale of the extension which would result would not be compatible with surrounding development where, as in this case, that development is part of a conservation area. In these respects the proposal conflicts with UDP policies CD27 and CD62.

- 5.10 In my judgement the consequences identified above confirm that the proposal would conflict with the objective of preserving or enhancing the character or appearance of Norland Conservation Area reiterated in UDP policies CD57 and CD61. Thus it conflicts also with national policy set out in PPG15 and should not be permitted.

6 Comments on Appellant's Rule 6 Statement

- 6.1 The appellant attaches some importance to the rear of his property being hardly visible from public viewpoints.
- 6.2 Though there are indeed only restricted public views of the back of this terrace that does not mean the contribution which it makes to the appearance of the conservation area is to be disregarded. I have not been able to identify any Government (or English Heritage) policy or guidance which suggests otherwise. The Council's conservation area proposals statement explicitly identifies the importance of the appearance of buildings seen mainly or only by neighbours.

7 Summary and Conclusion

- 7.1 The appeal site is within a conservation area designated in 1969, one of a terrace of seven unusually designed three-storey Victorian houses. The area is characterised by a variety of mid-Victorian houses, predominantly laid out

in terraces. These contrast with mid- and late-twentieth century buildings, some of which are close to the appeal site.

- 7.2 At the rear the eaves line of the terrace is interrupted at the appeal site, where it is about a half metre higher than elsewhere. All the houses have rear outshots characteristic of the period but in an altered or rebuilt form. Three of the seven properties have three-storey flat-roofed structures at the rear.
- 7.3 In 1982 the Council published a Proposals Statement for the conservation area, having gone through the statutory steps then prescribed. The statement includes a history of the area and reveals that the appeal property was one of the few whose erection followed an economic setback. A characteristic of the area is variety of modest and grander plan forms.
- 7.4 The conservation statement identifies the growing concern in 1982 about the effect of numerous rear extensions being permitted, and explains the authority's approach at that time. A policy summary provides that the character and appearance of the backs of a terrace or street are important considerations in evaluating proposals.
- 7.5 National policy emphasises the importance of effective stewardship of the historic environment and the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 7.6 New development in them is to be considered with special regard to such matters as scale, height, form and massing.

- 7.7 There is a strong presumption against the grant of planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of a conservation area.
- 7.8 The existing extension at no 25, though departing from the plan and form characteristic of the house, remains subservient to the main part of the terrace – unlike the paired three-storey elements seen behind nos 23 and 24.
- 7.9 In my judgement both the character and appearance of the terrace have been significantly eroded by changes to date, and the appeal proposal would compound this harm.
- 7.10 It would lead to a bulky and discordant structure obscuring significantly more of the old part of the building from neighbours' views and public viewpoints. It would be overly large, and with other three-storey structures would dominate the historic fabric.
- 7.11 I consider that the wording of the reason given for the Council's decision is supported by the evidence I produce.
- 7.12 The lack of significant visibility from public viewpoints does not seem to me any justification for not resisting the further erosion of the character and appearance of Norland Conservation Area which the extension would cause.
- 7.13 Consequently I conclude and respectfully recommend that planning permission should be withheld.

Denis F McCoy DiplArch(Oxford) ARIBA FRTPI FRIAI
13 October 2004

ONE OBJECTION

AC

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
MEMORANDUM - SECTION 101 - LOCAL GOVERNMENT ACT, 1972

D.P.1.

To: Chief Administrative Officer (Planning)
From: The Executive Director, Planning & Conservation

Date: ²⁵ 25 July 2001
Our Ref: PP/01/01349

Application Date: 11/06/2001 Complete Date: 18/06/2001

Revised Date:

Agent: Carl Falck Associates Ltd., 15A Crofton Road, London SE5 8LY
Address: 25 Penzance Street, London, W11 4QX

This application is for a class of development to be determined under powers delegated to me by the Council on 21st July, 1976, and/or by the Town Planning Committee 6th November, 1979, and/or by the Town Planning Committee on 18th March 1986, 23rd May 1988 and 8th January 1990 and is not such as I wish to refer to the Planning Application Committee. No relevant planning objections have been received.

Class (i) - 8th Schedule development

Class (vi) - Listed building consent for above Classes.

Class (ii) - shop fronts

Class (vii) - approval of facing materials

Class (iii) - conversion from non s/c dwellings etc

Class (viii) - grant of planning permission for a change from one kind of non-residential use except from one kind of non-residential use except where this would involve the loss of shop use

Class (iv) - amendments as required by T.P. Committee

DELEGATED
24 JUL 2001
REFUSAL

Class (v) - above classes after D.P. Committee agree

Class (ix) - grant permission licence or objection under Sections 73, 74, 138, 143, 152, 153, 177 & 180 of the Highways Act

Class (x) - Crossover under S. 108 of the Highways Act 1980

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

DESCRIPTION OF PROPOSED DEVELOPMENT

The erection of a rear second floor addition.

RECOMMENDED DECISION Refuse planning permission

RBK&C drawing(s) No. PP/01/01349 Applicant's drawing(s) No.401/02/A, 03/A, 04/A, 05, 06, 010/A, 011/A, 013/A, 014, and 015.

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

Exec. Director Planning and Conservation Head of Development Control Area Planning Officer

Handwritten signature and date: 23/7/01.

Handwritten initials: DT

REASON FOR REFUSAL

The proposed second floor rear addition is considered by virtue of its design, bulk and location to be detrimental to the character and appearance of the property, the terrace and the Conservation Area, and therefore is contrary to the Council's policies which seek to maintain and enhance the character and appearance of the Borough and its Conservation Areas as stated in the Council's Unitary Development Plan in particular Policies CD41, CD52 and CD53.

INFORMATIVES

You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD28, CD30, CD41, CD52 and CD53. (151)

1.0 THE SITE

- 1.1 The property is a single family dwelling house comprising ground, first and second floors. It is located on the south side of Penzance Street, within a terrace of seven similar properties numbered 22-28 (cons) Penzance Street.
- 1.2 The property is not Listed but is located within the Norland Conservation Area.

2.0 PROPOSAL

- 2.1 The application seeks to erect a rear second floor addition.

3.0 PLANNING HISTORY

- 3.1 The Council advised the current applicant in the form of a Certificate of Proposed Development in July of this year that the erection of a rear ground floor side conservatory addition did not require planning permission as it fell within the scope of Permitted Development.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations that have to be addressed when determining this proposal concern the Council's policies regarding rear additions, the effect such a proposal would have upon the character and appearance of the Conservation Areas and the effect upon adjoining residential properties.
- 4.2 The property as stated above is located in a small terrace 22-28 (cons) Penzance Street, of which three of the seven properties benefit from second floor rear additions similar to the current proposal. The properties extended to second floor level being Nos. 23, 24, 27 Penzance Street. The rear additions at Nos. 23 and 27 were granted by the Council in 1986, with no record being found for the addition at No. 24, however it would appear that it was constructed prior to the planning permission granted for No. 23 Penzance Street.
- 4.3 The Council refused Planning Permission for the erection of a second floor rear addition at No. 22 Penzance Place on 22 December 2000.
- 4.4 The rear additions that were granted Planning Permission by the Council in the 1980s pre-date the Council's Unitary Development Plan and are considered to be historical and should not be used as precedents for further development at second floor level within the terrace.

- 4.5 The property forms a pair at the rear with No. 26 Penzance Street, both benefiting from outreach additions, extending to first floor level.
- 4.6 The proposed second floor addition will extend to approximately 400mm below the eaves of the roof slope of the parent building and extend approximately 4.8 metres in depth. The existing roof of the first floor outreach addition measures approximately 6.8 metres. The proposal will therefore include a small roof terrace beyond the proposed addition with a depth of approximately 2 metres.
- 4.7 The Council addresses the subject of rear additions in the Unitary Development Plan with Policy CD41 of the 'Conservation and Development' chapter, which advises to normally resist proposals for rear extensions if it would rise above the height of the neighbouring and nearby extensions, or if it would not be visually subordinate to the parent building or if the extension would spoil or disrupt the even rhythm of rear additions.
- 4.8 It is considered that the proposed addition will rise above the paired addition at No. 26 Penzance Street and would not be visually subordinate to the parent building. Whilst there are three historic examples of rear additions at Nos. 23, 24 and 27 Penzance Street, these are not considered precedents for further development of this nature as the planning refusal at No. 22 Penzance Street in December 2000 indicates.
- 4.9 The Council seeks to maintain and enhance the character and appearance of the Borough and its Conservation Areas with Policy CD52 and CD53 of the 'Conservation and Development' chapter of the Unitary Development Plan. The proposed rear addition at second floor for reasons explained in paragraph 4.8 of this report will have a detrimental effect upon both the character and appearance of the terrace and the Conservation Area. It is considered that the three examples of such an addition in the terrace clearly show why the existing pair at Nos. 25 and 26 Penzance Street should not be altered. The appearance of the pair would be severely compromised with one half extending to second floor level.
- 4.10 The proposed rear second floor addition is therefore considered to be contrary to the Council's policies relating to rear additions and the maintenance of the Borough and its Conservation Areas as expressed in Policies CD41, CD52 and CD53.
- 4.11 The proposal will affect the residential amenity of the adjoining property No. 26 Penzance Street, which it is paired with at the rear. It is considered that the rear addition will result in an undue cliff-like effect and sense of enclosure to No. 26 Penzance Street, which is contrary to Policy CD41(e) of the Unitary Development Plan.
- 4.12 It is not considered that the proposal would affect either the light or privacy of the adjoining property significantly enough to justify a refusal of planning permission although it would slightly worsen the existing situation.

5.0 PUBLIC CONSULTATION

5.1 The Council notified 5 addresses of the proposal and has to date received one objection from the owner of No. 26 Penzance Street who states in full:

"However, I strongly object to the new extension to be built on top of the existing first floor extension and I hope that my reasons will be taken into account when the application is considered.

1. One side of the extension would be built on the party wall and is only a short distance from the glazed door opening from my landing onto the roof terrace. The new extension would have an overbearing appearance and give a sense of enclosure to me, and completely change the feeling of openness at the back of the property.

2. I have a wide outlook from the landing and roof terrace. The new extension would reduce my field of view by about 50% and I would, for example, lose sight of the large trees in gardens further down the terrace. The amount of greenery in view is important to me.

3. There are no other doors or windows on my stairs or landings and the new extension would cut out the morning light. It might also reduce the early morning light into my rear first floor bedroom.

4. At present, neither 25 or 26 have an extension on top of the rear extension. If a new extension is built on one of the pair, but not the other, it would give a lopsided appearance. The new extension would appear relatively large in comparison to the rest of the building.

5. As the new extension incorporates a terrace at the rear of the property, anyone sitting on the terrace would overlook my garden and my privacy would be reduced.

6. Although there are similar extensions at Nos. 23, 24 and 27, these were built some time ago. I believe they should therefore not act as precedents. Permission for a similar extension at No. 22 was refused in 2000.

I am sorry to be put in a position of objecting to my new neighbour's plans but hope that you will support my view that the proposed new extension is not acceptable."

6.0 RECOMMENDATION

6.1 Refuse planning permission.

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

**Report Prepared By: AP
Report Approved By: AP/LAWJ
Date Report Approved:**

NOTICE OF A PLANNING APPLICATION



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

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

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

Details are set out below.

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

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

For applications in the Chelsea area: The Reference Library, Chelsea Old Town Hall, Tel. 020-7361-4158.

For postal areas W10, W11 and W2: The 1st floor, North Kensington Library, 108 Ladbroke Grove, W11, Tel. 020-7727-6583.

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

SCHEDULE

Reference: PP/03/02526/JW

Date: 12/12/2003

25 Penzance Street, London, W11 4QX

Addition of new extension at second floor level to rear of building.

APPLICANT **Professor P.J. Ciclitira,**

*Displayed on
fence outside
property 10.12.03
JWS.*

REASON FOR DELAY

CASE NO / /

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

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

if.....

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

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

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

3) Further neighbour notification/external consultation necessary (*spread or time period - please specify*)

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

5) Revisions requested in time, but not received in time

6) Revisions received but inadequate - further revisions requested

7) Revisions received but reconsultation necessary

8) Awaiting Direction from English Heritage/other EH delays...

9) Because of the Committee cycle

10) Applicant's instruction

11) OTHER REASON [*Please state*].....

.....

Signed..... (Case Officer)

MEMORANDUM

TO: FOR FILE USE ONLY

**From: EXECUTIVE DIRECTOR
PLANNING & CONSERVATION**

My Ref: PP/03/02526/JW

CODE A1

Room No:

Date: 05 December 2003

DEVELOPMENT AT:

25 Penzance Street, London, W11 4QX

DEVELOPMENT:

Addition of new extension at second floor level to rear of building.

The above development is to be advertised under:-

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

M.J. French

Executive Director, Planning & Conservation

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

File copy

1 2079/2080

020-7361-2079/2080

020-7937-5464

Switchboard:

Extension:

Direct Line:

Facsimile: 020-7361-3463

Date: 05 December 2003

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCN/PP/03/02526/JW

Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 25 Penzance Street, London, W11 4QX

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

Proposal for which permission is sought

Addition of new extension at second floor level to rear of building.

Applicant Professor P.J. Ciclitira, 25 Penzance Street, London W11 4QX

Yours faithfully

M. J. FRENCH
Executive Director, Planning and Conservation

WHAT MATTERS CAN BE TAKEN INTO ACCOUNT

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

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

WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT

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

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

WHAT HAPPENS TO YOUR LETTER

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

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

WHERE TO SEE THE PLANS

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

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

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

PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY

TO: Derek Taylor
DATE RECEIVED: 04/03/2004

FROM: RAG
EXTN: 20

APPEAL
CASE OFFICER: Mr.J. Wade

APPEAL
ADMIN OFFICER: RAG.

OUR REF:
PP/03/02526

ODPM REF:
App/K5600/A/04/1143590

ADDRESS: 25 Penzance Street, London, W11 4QX

Description: Erection of second floor rear extension with roof terrace.

REASON FOR APPEAL: REF

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN
REPRESENTATIONS

INFORMAL
HEARING

PUBLIC
INQUIRY

START DATE OF APPEAL	<u>4th March 2004</u>	
3rd PARTY LETTERS DUE:	<u>18th March</u>	SENT: 18/3
QUESTIONNAIRE DUE:	<u>18th March</u>	SENT: 18/3
WRITTEN REPS STAT DUE:	_____	SENT:
INFORMAL HEARING STAT DUE:	_____	SENT:
PUBLIC INQUIRY RULE 6/8 DUE:	<u>15th April.</u>	SENT:
PROOF EXCHANGE DUE:	_____	SENT:

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Professor Paul J Ciclitira
25 Penzance Street
London
W11 4QX

Switchboard: 020 7937 5464
Extension: 3352
Direct Line: 020 7361 2944
Facsimile: 020 7361 3463
Email: planning@rbkc.gov.uk
Web: www.rbkc.gov.uk

16 January 2006

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: EDPC/MJF

Your reference:

Please ask for: Mr French

Dear Professor Ciclitira,

25 Penzance Street, W11

Thank you for your letter dated 21st December 2005 which was in reply to my comments on your revised proposals following the appeal decision.

My concluding sentence was based on the remarks made by the Inspector in paragraph 16 of his report. Specifically, he stated that 'the proposed development would add significantly to the bulk of the building'. This would suggest that if an alternative proposal was to be acceptable to him, then it should be smaller than the proposal which was dismissed on appeal. He also remarked that it 'would conceal much of the existing upper floor of the building'. Again this would lead to the conclusion that if he were to consider a proposal to be acceptable, it should conceal much less of the rear elevation.

Taking these two comments together, it is difficult to envisage an extension of any reasonable size which would meet your requirements and hence my concluding sentence. I am sorry that I cannot offer you a more positive view.

Yours sincerely,



Michael J French
Executive Director of Planning and Conservation



INVESTOR IN PEOPLE

DPG

Devtd:

Pls reply
for MJF

Paul J Ciclitira
Professor of Gastroenterology

25 Penzance Street
London
W11 4QX

Tel/fax: 0207 565 0415
Tel/fax: 0207 603 3594
E-mail: paul.ciclitira@kcl.ac.uk

21st December 2005

Mr M J French
Executive Director
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

Your reference: EDPC/MJF/PP

Dear Mr French,

RE: 25 PENZANCE STREET, LONDON W11 4QX

Thank you for your letter of 15th December 2005.

You letter concludes that "The Planning Inspector's appeal decision letter does rule out almost any form of future development."

I would be grateful if you could clarify and possibly expand on your advice to me that the appeal letter appears to rule out any form of future development, that is, whether there is any type of future development that would be permitted and if so, what form it should take.

Thank you in advance for your help in this matter.

Yours sincerely,

**Paul J Ciclitira
Professor of Gastroenterology**

49

- CC Mr Tim Ahern
 Mr John Langley, Tectus Ltd.

EX/DIR	HDC/PP	13 DEC 2005	PLANNING	AO	AK	
R.B.	K.C.	23 DEC 2005	PLANNING			
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEE

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Professor Paul J. Ciclitira,
25 Penzance Street,
LONDON W11 4QX.

Switchboard: 020 7937 5464
Extension: 2944
Direct Line: 020 7361 2944
Facsimile: 020 7361 3463
Email: planning@rbkc.gov.uk
Web: www.rbkc.gov.uk

15 December 2005

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Professor Ciclitira,

25 Penzance Street, W.11.

At our meeting with Councillor Tim Ahern, Chairman of the Planning Services Committee on 21 November, it was agreed that John Langley would circulate to us amended proposals for an extension at the above property.

Two sets of revised proposals have been submitted following the appeal decision. The first is a full set of plans and includes a coloured elevation and the second an elevation and section only.

The first proposal shows a three storey extension which is of the same depth on all three floors and has a contemporary appearance. It is larger than that which was dismissed on appeal and therefore does not overcome the Inspector's objections about the size of the extension. Its contemporary appearance would also do little to harmonise with the Victorian character of the parent building. I do not consider that this is any improvement on the scheme which was subject of the appeal.

The second proposal differs by having a more traditional appearance and having a mansard roof forming the third storey. Whilst this might at first glance appear to be more traditionally Victorian, it is in its own way incongruous. Mansard roofs are a common feature of Victorian buildings but they normally form part of the main building only. Any rear extensions normally have a flat or shallow pitched roof behind a parapet. I do not consider that this design can be said to preserve or enhance the Conservation Area.

I am sure you will be disappointed with this advice, but, in my opinion, it will be very difficult to secure a planning permission for any further extension at this property. The Planning Inspector's appeal decision letter does rule out almost any form of future development.

Yours sincerely,

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

c.c. Councillor Tim Ahern, Chairman – Planning Services Committee



INVESTOR IN PEOPLE

RBKC

Observations

CONSERVATION AND DESIGN

Address: 25 Penzance Street	App No: Pre-app	D.C. Officer	L.B.	C.A. 2	North X Central South
Description: Rear extension		Code: X			

(Handwritten mark)

Two sets of revised proposals have been submitted following the appeal decision. The first is a full set of plans and includes a coloured elevation and the second an elevation and section only.

The first proposal shows a three storey extension which is of the same depth on all three floors and has a contemporary appearance. It is larger than that which was dismissed on appeal and therefore does not overcome the Inspector's objections about the size of the extension. Its contemporary appearance would also do little to harmonise with the Victorian character of the parent building. I do not consider that this is any improvement on the scheme which was subject of the appeal.

The second proposal differs by having a more traditional appearance and having a mansard roof forming the third storey. Whilst this might at first glance appear to be more traditionally Victorian, it is in its own way incongruous. Mansard roofs are a common feature of Victorian buildings, but they normally form part of the main building only. Any rear extensions normally have a flat or shallow pitched roof behind a parapet. I do not consider that this design can be said to preserve or enhance the conservation area.

(Handwritten mark)

(Handwritten signature)

David McDonald
02.12.05

French, Michael: PC-Plan

From: Mila Labar Weintrop
Sent: 09 December 2005 15:58
To: michael.french@rbkc.gov.uk
Cc: Tim Ahern; Paul J Ciclitira; John Lagley
Subject: Letter to M French K&C (09-12-2005)

Paul J Ciclitira
Professor of Gastroenterology

The Rayne Institute
4th Floor – Lambeth Wing
St Thomas' Hospital
London SE1 7EH

Tel W: 0207 620 2597
Fax W: 020 7261 0667

Home:
25 Penzance Street
London W11 4QX
Tel/fax: 0207 565 0415
Tel/fax: 0207 603 3594
Mobile: 07770 921 048
E-mail: paul.ciclitira@kcl.ac.uk

09th December 2005

Mr M J French
Executive Director
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

Your reference: EDPC/MJF/PP

Dear Mr French,

RE: 25 PENZANCE STREET, LONDON W11 4QX

Further to our meeting on 21st November 2005, you will recall that Mr John Langley provided drawings that incorporated all your planning officers' previous requirements for a one bedroom extension to my property.

Following your request for additional amendments and advice that you would forward the drawings to Mr David McDonald, Head of Conservation in the K&C Planning Office, I understand that Mr Langley revised his plans and faxed them directly to Mr Mc Donald that afternoon.

You will recall that you advised me that you would inform me of the outcome by either Friday 25th November or at the latest the beginning of the week commencing 28th November. I gather that Mr McDonald submitted his report to you on Friday 2nd December.

Following my e-mail of 7th December and my telephone conversation with your secretary on today's date, 9th December, I understand we should expect the outcome at the beginning of next week, that is, on or around 12th December.

Thank you for your help in this matter.

With best wishes and kind regards.

Yours sincerely,

Paul J Ciclitira
Professor of Gastroenterology

09/12/2005

Paul J Ciclitira
Professor of Gastroenterology

The Rayne Institute
4th Floor - Lambeth Wing
St Thomas' Hospital
London SE1 7EH

Tel W: 0207 620 2597
Fax W: 020 7261 0667

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London W11 4QX
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Mobile: 07770 921 048
E-mail: paul.ciclitira@kcl.ac.uk

07th December 2005

Mr M J French
Executive Director
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

Your reference: EDPC/MJF/PP

in
DIC

37

12 DEC 2005

Dear Mr French,

RE: 25 PENZANCE STREET, LONDON W11 4QX

Thank you to yourself and Councillor Ahern for kindly seeing me in your office on Monday 21st November.

I understand that John Langley, who subsequently joined us, forwarded to David McDonald by fax, as requested, an amended proposal in line with all your suggestions later that day.

I believe these were reviewed at your request by Mr McDonald with a report delivered to you on Friday 2nd December.

I would be grateful if you would advise me of the outcome.

With best wishes and kind regards.

Yours sincerely,

Paul Ciclitira

Paul J Ciclitira
Professor of Gastroenterology

CC Councillor Tim Ahern, via e-mail

tectus8 - 9 Stephen Mews
London W1P 1PP**F A X C O V E R S H E E T**

DATE: November 22, 2005 TIME: 13:10
 TO: David McDonald URGENT
 Head of Design & Cons PHONE: 0207 7937 5464
 RBK&C Planning Dept FAX: 0207 7361 3463

FROM: John Langley PHONE: 020 7436 4050
 Tectus FAX: 020 7436 8451

RE: 25 Penzance Street, W11

CC: Professor P J Ciclitira 0207 261 0667
 Derek Horne & Associates 020 7497 8451

NO PAGES: (inc cover sheet) 3

Dear Mr McDonald,

Following a meeting yesterday with our client Professor Ciclitira, Mr French and Councillor Ahern – after which I understand Mr French will have passed to you our latest drawings for the above property, I attach two further drawings and would be most grateful for your comments on them also.

The scheme we discussed yesterday was one that – in an attempt to make a clear break with previous proposals, and as a response to a disparate and much altered rear elevation to the terrace – was proposed in a simple but carefully detailed modern idiom.

I now attach two sketches, which show an alternative that is in a more 'traditional' form, with a mansarded slate roof and dormer windows. I believe that – as previous reports by your case officers on this project have confirmed – such an extension would not very adversely affect the amenity (loss of daylight / overlooking) of the neighbouring buildings. Number 25 is the central building in the terrace and has always been emphasised (higher rear parapet / projecting front façade, etc). These proposals acknowledge that and would I believe make positive contribution to the character of the conservation area.

If any additional information from us would be helpful, please contact me directly.

Yours sincerely,



EX DIR	FCC	TP	DES	AD	CLU	AD EX
R.B.	22 NOV 2005				PLANNING	
K.C.						
N	C	S	SE	APP	IO	REC
HBS						

MESSAGE FORM

To Mike

WHILE YOU WERE OUT

M Professor Ciclitira

of

Tel. No 07770 921048

CALLED TO SEE YOU	<input type="checkbox"/>	PLEASE RING	<input type="checkbox"/>
TELEPHONED	<input type="checkbox"/>	PLEASE VISIT	<input type="checkbox"/>
WANTS TO SEE YOU	<input type="checkbox"/>	WILL RING YOU	<input type="checkbox"/>
URGENT	<input type="checkbox"/>	WILL CALL AGAIN	<input type="checkbox"/>

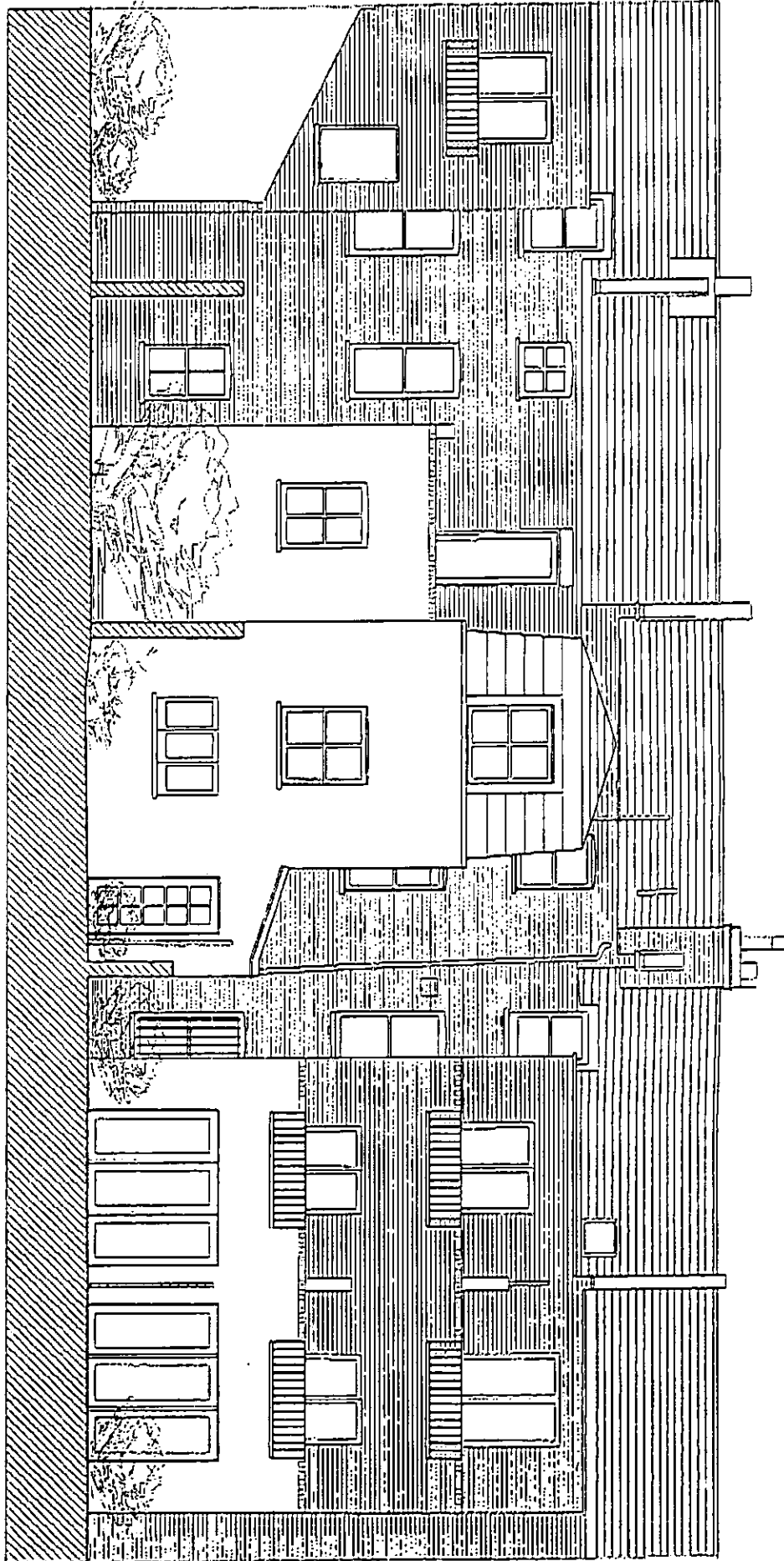
re you said 25/11 or 28/11

Message you would come back to him definitely

Signed

Date Time

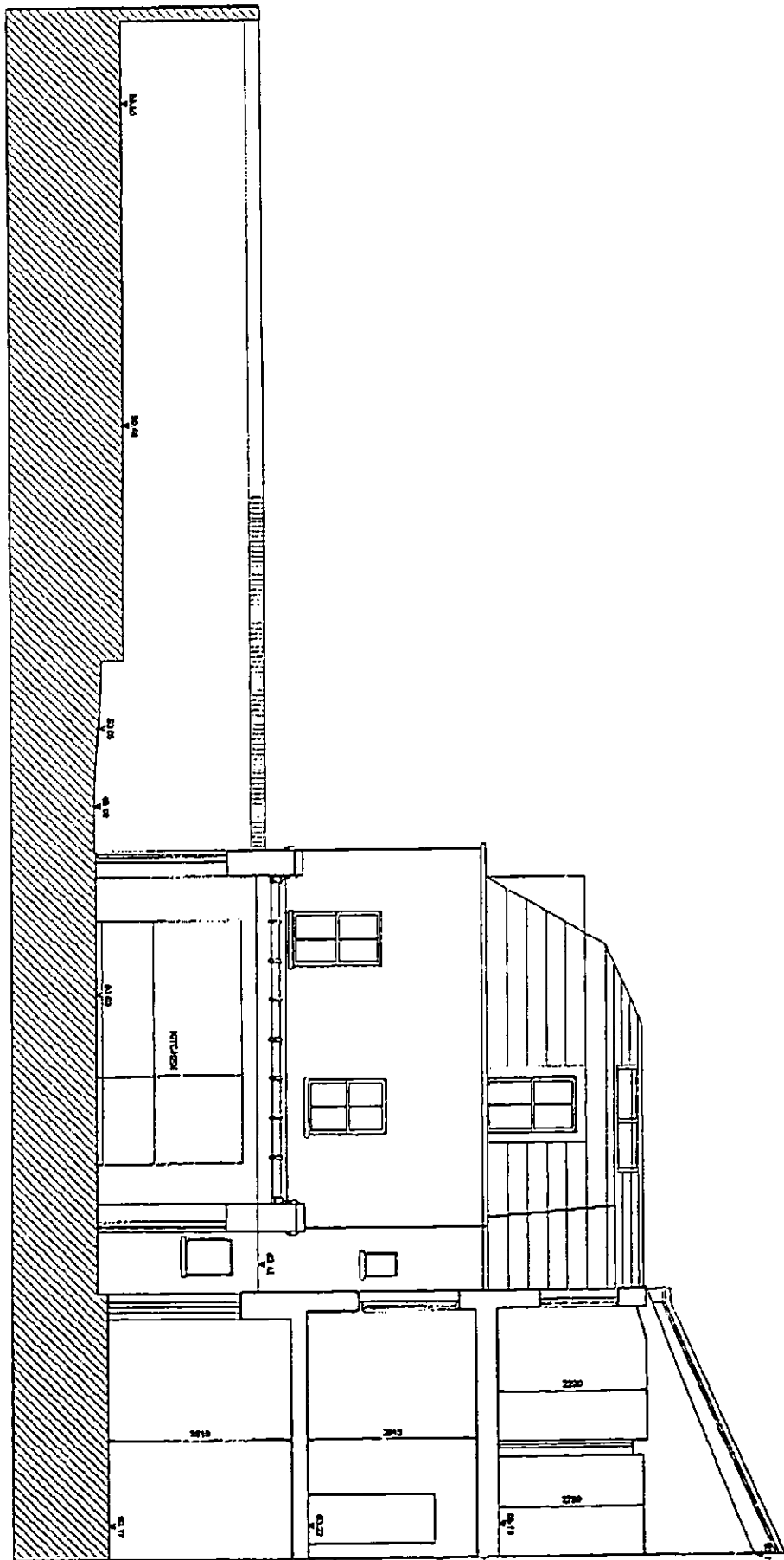
REAR ELEVATION
25 PENZANCE STREET
LONDON W11



Tectus SK 14-05 / 22-11-1

1.100

CROSS SECTION /
 SIDE ELEVATION
 25 PENZANCE STREET
 LONDON W11
 TECTUS SK 1405 / 22211-2



1:100

25 Penzance Street

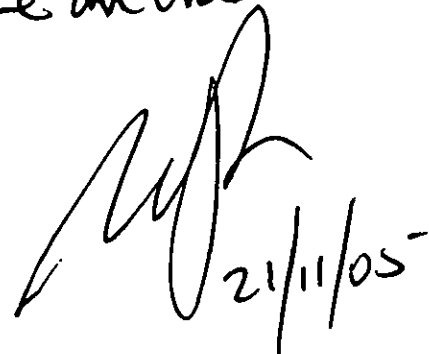
21/11/05

Clwb Aber
125

Prof. Cielatava
Architect

Met to discuss 3 refusals, 1 appeal decision.
Prof C. is unhappy that he fears records that
he has had conflicting advice, some notes of meetings
have been removed, as has his photographs - I
disagreed, and said that I had already dealt with
this. He appears to be happy to not pursue this if
he gets an approval for a revised scheme.

Archit. left his latent ideas for comments,
I said that in principle was unhappy that any
design would be acceptable. However I was happy
to say design's opinion on his latent proposals
Clwb Abern was happy to listen, but did
nothing more - he would continue to take an interest
but would have no opinions.


21/11/05



PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Professor Paul J. Ciclitira,
25 Penzance Place,
LONDON, W11 4QX.

Switchboard: 020 7937 5464
Extension: 2944
Direct Line: 020 7361 2944
Facsimile: 020 7361 3463
Email: planning@rbkc.gov.uk
Web: www.rbkc.gov.uk

11 April 2005

My reference: EDPC/MJF/PP/

Your reference:

Please ask for: Mr. French

Dear Professor Ciclitira,

Formal Complaint
25 Penzance Place, W.11.

I refer to your letter of 31st January 2005 to the Local Government Ombudsman, letter from the Ombudsman to you of 25th February, and my subsequent letter to you of 14th March 2005, regarding the continued refusal of this Council to grant planning permission for a rear extension at 25 Penzance Street.

There has clearly been a protracted planning process involving your property, including a number of planning applications and an appeal decision. In summary, you are aggrieved that despite receiving advice from Officers of my department on several occasions, your sequence of planning applications has met with repeated refusals to grant planning permission. This means that, from your point of view, a good deal of expenditure (you say £21,000) upon professional fees and planning fees has not resulted in any positive result.

I note from the planning history to this property, that planning permission was refused for a rear extension at first floor level in July 2001, again in March 2002, and then again in January 2004. In the meantime, in March 2002, permission was also refused at the neighbouring property, no.26, for similar development. Notwithstanding the fact that Officers recommended refusal in each of these cases over three years, you suggest that you based your application on each occasion upon Officer advice that such an application might be considered favourably. You imply, it would seem, that you would not have submitted repeated applications, or chosen to go to appeal by means of a full Public Inquiry, had you not been in some way encouraged by Council Officers to do so.

You focus, in particular, upon Derek Taylor, the Team Leader for the North area development control team, within which area your property at Penzance Street is included. You state that you were "repeatedly advised by Mr Derek Taylor... to re-apply for planning permission". You also state that you were "advised to re-apply twice for the extension which was turned down and to appeal the findings. Mr Taylor has now changed his mind.". You conclude that "Derek Taylor's actions have cost me in excess of £21,000".

As the sequence of events concerning your attempts to gain planning permission for an extension have directly involved at least six planning Officers, including three different Case Officers, as well as three separate professional consultants, and an appeal Inspector, it would seem to me unrealistic to attribute all of your costs to the "actions" of one Officer, however I will not draw conclusions on your assertion before running through the detailed history of events.



I will refer to your letter of 31st January 2005 in the following summary of events.

Your first application (ref. PP/01/1349) refused on 27th July 2001

For this application, submitted on 11th June 2001, you employed Carl Falck Associates to act as your agents. The Case Officer for this application was Mr Paterson, a Senior Planning Officer within the North Area Team, and not Ms. Gentry as you suggest in your 31st January letter. Mr. Paterson took into account the fact that four of the seven properties in this group did not have extensions at that second floor level, the fact that the three that did were permitted in the early 1980s against earlier planning policies and old enough not to carry much weight, the fact that a similar proposal had already been refused against the current UDP policies in respect of no.20 in 2000, as well as objections raised by a neighbour. Mr Paterson prepared a report under delegated powers, recommending that planning permission should be refused for the extension, and this report was approved and counter signed by the Head of Development Control, Ms. Wyatt-Jones, on 23rd July 2001, and by myself, as Executive Director of Planning & Conservation. Mr Taylor was in fact on leave on 23rd July and played no part in the process of refusing your first application.

Looking again at the Case File for this application, I am satisfied that the correct Policies and other material considerations were taken into account, the correct procedures properly followed, and the appropriate conclusion fairly and properly reached. Of course I understand you will have been disappointed to meet with a refusal of planning permission, but that in itself does not to my mind give any reasonable grounds for complaint.

I note that, shortly before refusing planning permission for the rear extension at second floor level, this Authority had granted a Certificate of Lawful Proposed Development in respect of a single storey ground floor rear extension which would have constituted 'Permitted Development', on 23rd July 2001.

Your second application (ref. PP/02/0267) refused on 25th March 2002

For this second application, submitted some six months after the previous refusal, on 24th January 2002, you again employed Carl Falck Associates. It is this application to which Ms. Gentry, another Senior Planning Officer within the North Area Team, was appointed as Case Officer, as opposed to your "initial application" as you describe in your letter. This application was made concurrently with a similar one for no.26 adjacent.

You describe that, following your first refusal, you contacted the planning department to seek advice as to how you might proceed. You describe that you spoke with Mr Taylor, who agreed to meet with you at your property, and state that, in Mr Taylor's opinion, the refusal of planning permission "was a mistake" and that he advised you "to re-apply possibly with a concurrent application". Mr Taylor has advised he thinks it highly unlikely that he would have described a planning decision taken by his own team only weeks earlier as "a mistake", however there is no note of the conversation with you to demonstrate either way. Moreover, checking Mr Taylor's 2001 and 2002 diaries does not reveal any appointment to meet at your property between the first refusal in July 2001 and the second in March 2002. The diaries indicate that the first time he met with you was in the Town Hall offices at 12.00 noon on Friday 8th March 2002.

You also say that you were "led to believe by the planning officer who came to visit the property that there would be no problems pertaining to this", but that "the application was declined the second time".

The Officer who came to visit you was the Case Officer for your second application, Ms. Gentry. Ms Gentry assessed your second application against the same planning policies that had been considered in the context of your first application. The case file does present a different impression of proceedings from yours, particularly with regard to your assertion that you understood "there would be no problems" pertaining to your application. On 14th February Ms. Gentry met with Mr Falck, acting for you, to discuss the proposal. Her file record of that meeting reads "Advised concern re- height of extension, recent refusal. Would not be

subordinate to existing building. If acceptable in principle, remove parapet. Will check previous refusal + speak to AP [previous Case Officer] + design [meaning the Conservation & Design Officer] + get back to him". This hardly suggests that "there would be no problems". On 20th February an objection was received from the resident of no. 27, referring to over development and (in reference to the other application for no. 26, loss of light.

The Conservation and Design Officer provided written comments on the proposals for both 25 and 26, advising that:

"The principle of extending the closet wings of these two properties up to second floor level is not acceptable and is contrary to CD41. The existing rhythm of closet wing extensions within the terrace rise to first floor level only, with the unfortunate exception of three properties which clearly illustrate how harmful such extensions are to the appearance of the buildings/terrace.

The proposed extensions, rising up to and above the main rear eaves, would result in bulky, over dominant rear extensions which would obscure the major part of the main rear elevations and would not be subordinate to the main building. In addition, the proposed roof terraces at second floor level add unwelcome visual clutter.

The proposals would be detrimental to the appearance of the buildings and to the character and appearance of the terrace and the Conservation Area."

On 26th February 2002 a formal objection was received from the local conservation society, the Norland Society, raising their concern that the proposed extension would be "an over development of a restricted site" and that the application should be refused. On 27th February, without waiting for Ms. Gentry to respond following her further consultations as she advised on 14th February, revision were received including amendments to the parapet as referred to above. The architects thus prepared and submitted these revisions to details, without any indication from the Case Officer that the proposal could be accepted in principle.

The day after these revised plans were received, Ms. Gentry advised the architect, Mr. Falck, that she considered the proposals unacceptable. The file record of that telephone conversation is illuminating. It reads:

"I explained that been surprised to receive the revised drawings since at the site meeting we had agreed that I would discuss with Andrew Paterson and then contact C. Falck to advise him whether the principle would be acceptable and, if so, revise drawings. When I tried to do this yesterday, I was told revised drawings had been submitted.

C. Falck disputed that I had ever suggested that the proposal might be refused. I said that I had clearly expressed doubts about the principle of the extension but wanted to look at the previous refusal and discuss with AP. This was because C. Falcks thought that the previous refusal was refused because of amenity impact on neighbours and that if both applications were submitted together they would be acceptable. This did not tally with my recollection with the previous reason for refusal.

I asked whether C. Falck wished the application to be determined on the basis of the original or revised drawings. He did not answer but said he would contact his Councillor".

Presumably Mr Falck had read the Notice of Refusal issued to him following his previous application. The Reason for Refusal was based entirely upon bulk and townscape impact, and did not refer at all to amenity impact upon neighbours.

Ms. Gentry proceeded, on 28th February, to write her report concerning the application. She took into account the history of the first application, the relevant planning policies of the UDP, and the objections

from third parties, as well as the improvements in certain details carried by the revised drawings, and concluded that planning permission should be refused. She completed her report on 28th February, and passed the draft report and case file to the Area Team Leader (and her line manager) Mr. Taylor on 1st March for him to approve and sign.

There is no record on Council files as to exactly when, but between 1st March and 5th March, you telephoned Mr Taylor, appealing to see him to discuss your application with him. He agreed to meet you in our planning Offices on Friday 8th March, at 12.00 noon. You sent written confirmation of this by letter dated 5th March, referring in your letter to the application being modified "for the third time"; this is inaccurate, as in fact your architects had only submitted one revision. Unfortunately there is no record of your discussion with Mr Taylor in the Planning Office on 8th March. Mr Taylor's recollection is that, you were clearly appealing for a change of mind and recommendation regarding the applications for no.s 25 and 26, but that he saw no justification to differ from the conclusions of the Case Officer and the Conservation and Design Officer, or to do anything other than to refuse the applications. He recalls advising that he would not pass the files through immediately, but would check further into the history of the terrace before doing so. He did this, but did not see any reason to change the course of action.

Mr Taylor, the Head of Development Control, Ms. Wyatt-Jones, and myself as Executive Director, approved and countersigned Ms. Gentry's report recommending refusal of planning permission. Notice of Refusal was issued on 25th March 2002. The Reason for Refusal was virtually identical to that of the first application, namely relating to harm to the character and appearance of the terrace and Conservation Area.

It is certainly clear to me that, by the end of March 2002, a very consistent planning history had built up concerning second floor rear extensions along this group of buildings. Whatever misunderstandings occurred between yourself and your agents and Officers, however you had construed their advice, it must have been abundantly clear to yourself and your advisers that a history of refusal in 2000 (for no.22), refusal in 2001 (for no.25) and refusals in 2002 (for nos. 25 and no.26) indicated that this Council found a strong and consistent objection in principle to such rear extensions.

Your Third application (ref. PP/03/2526) refused on 28th January 2003

Some twenty months later, on 28th November 2003, you lodged another application for a rear extension to no.25; I see that this differed from the previous refusal only in railing design, but was otherwise almost identical to the bulk and form of those previously refused.

Notwithstanding the clear history now in place, you then say that you had now employed yet another consultant, this time John Langley of Tectus Ltd., who had telephoned Mr Taylor and received advice that "further drawings be made and for another submission to be entered". In other words, you are suggesting that the same Mr Taylor who you met in 2002 to ask him to reconsider the refusals of planning permission then about to be issued, and who approved the draft reports recommending refusal was now recommending that further applications should be submitted. After the history of recent refusals it would be surprising to say the least if Mr Taylor had somehow concluded that a second floor extension could, after all, be acceptable. There had been no change to policies, or the circumstances of the property or terrace, since he had approved the recommendation to refuse in the previous Spring. You do not provide the date of that phone call. Mr Taylor did not keep a note of any conversation with John Langley, however he does not believe that, in any way, he would or could have encouraged a further application.

Whatever Mr Langley's interpretation of that phone call, it seems to me to be surprising that, on the basis of a telephone call, Mr Langley could have concluded that a consistent planning history over three years was about to be overturned. At the very least, before embarking upon another planning submission, it would have been prudent to have obtained a written view from a local planning authority as to whether any factors had changed that might now lead to an approval rather than a further refusal, and one would expect that any consultant would have sought this.

However, apparently on the basis of one telephone call, your third consultant applied for an extension that differed in only a minor way from the previous refusals.

Mr Taylor allocated this application to a third planning Officer, his Deputy Team Leader, Mr Wade. Mr Wade carried out his own visit to the property on 10th December 2003 at 9.30 am to assess the application. According to you, he "expressed the view that he saw no problems with the application being successfully processed"; by this, you presumably mean successfully processed with a recommendation to grant planning permission. Mr Wade's memory differs from yours; he recollects saying that he would of course take into account the three extensions existing near by, but fails to see how that reasonable advice could be construed to have the meaning you give it.

Mr Wade proceeded to process the application. He took into account the nearby extensions, the relevant planning policies, and all other material considerations including two objections from neighbours, and concluded that there were sound reasons to refuse planning permission. His recommended Reason for Refusal was, unsurprisingly given the similarity between the applications, very similar to those previously refused. Mr Taylor, Ms. Wyatt-Jones, and myself, in sequence approved and counter-signed Mr Wade's report, and Notice of Refusal was duly issued on 28th January 2004.

You then state that Mr Taylor advised you to "proceed to an appeal as in his opinion this would most certainly result in planning permission being granted". Mr Taylor disputes this statement completely. He neither advised you to appeal, or suggested that any appeal would almost certainly be granted (which would anyway have been bizarre in view of the fact that he had previously agreed, for the second time, that there were sound and reasonable grounds for planning permission being refused. Mr Taylor's recalls his view as being that whilst an Inspector would certainly take the older nearby extensions into account, it would be most unlikely that an Inspector would give them such weight as to use them to justify allowing an appeal. Mr Taylor concludes he may well have advised that the only possible course you could take would be to try an appeal; very different from actually recommending you *should* do so, or that you would "almost certainly" succeed on appeal.

Your last paragraph is hotly disputed by all concerned. You state that Ms. Gentry, Mr Taylor, and Mr Wade, each advised that permission "should be a formality in view of seeking an extension on a house in a terrace of seven of which three of the properties have already had such an extension". Not one of these Officers recalls giving any such advice, each unequivocally stating that they neither held such a view nor offered such a statement. In fact the opposite was the reality. Each Officer in succession considered the merits of the existing extensions; decided that they should not be given over-riding weight, and concluded that permission should be refused notwithstanding their presence. You or your agents were advised on different occasions, and in different words, that the three existing extensions were examples of how not to extend a property and how to compromise the appearance and integrity of a property through ill-considered extensions. Mr Taylor last gave you this advice at your house on 24th January 2005, using these very words.

Conclusion

In responding to your letter, I have come across absolutely no evidence to support the assertions in your letter that successive Officers somehow supported your proposals but then mysteriously ended up recommending refusal. Each one of them has advised me to the contrary, and they do not know how you could consistently misinterpret their advice. I clearly do not know what precise words my Officers did say to you or your agent, or how you or your agent chose to interpret what was said other than the statements in your letter and the note from Ms. Gentry regarding Mr Falck in February 2002. You have not shown me any written opinion provided to you, as far as I am aware you or your agents have never asked for one, and I have no reason to assume that Officers ever tried to offer anything less than their best verbal advice.

However the advice of any Officer is interpreted, the submission of a formal planning application will always be the final test, and this test was engaged in three times over three years with the same result; four times, if the neighbouring property is included, and five if no.22 in 2000 is included. As described above

there were three different Case Officers involved (four, if we include no.22 in 2000), all of whom arrived at the same conclusion regarding a rear first floor extension. The Conservation and Design Officer concluded likewise in 2002. There would certainly seem to be a great deal of consistency in the Officers approach.

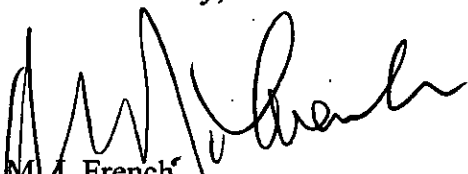
I do not know how much the Public Inquiry cost you, but clearly it must have been several thousand at the least. I don't know if it was yourself, or your agents, who opted to go for by far the most expensive appeal procedure, but to my mind the merits of the case certainly did not warrant a Public Inquiry. You will be aware of the correspondence between parties of April 2004, where not just this Council but the Planning Inspectorate too offered the view that an Inquiry would not be warranted. The Planning Inspectorate, in their letter of 1st April 2004, advised of their view, shared by this Council, that a full Public Inquiry was "not suited or necessary in order for this case to be fully and fairly examined and for an informed decision to be reached by the Inspector". Despite both this Council and the Inspectorate agreeing that the costly Public Inquiry procedure was not necessary, you exercised your right under the Act to insist upon it.

If the Officers had been unfair or inconsistent in their decision making, then that might be expected to be revealed in a decision by the Inspector to allow your appeal. However, it is quite evident that the Inspector agreed with the Officer's views that the height and massing of the existing extensions to nos 23, 24 and 27 paid little regard to the scale or form of the host properties, and that the proposed development would be harmful to the integrity of the terrace. It seems to me that the Planning Inspector's conclusions were consistent with the five Council decisions regarding nos. 22, 25 and 26 over four years.

I fully understand that you feel frustrated after such persistence over a long period of time. However, I have not found any evidence at all to indicate that the Council's decision making process was in any way inconsistent or unfair, as ultimately borne out by the Inspector's decision. In my view all of the correct procedures were adhered to at each stage of the history described in this letter, and there has neither been maladministration nor injustice at any stage. I have not found anything to suggest that Mr Taylor or any of the other Officers involved misled you, attempted to mislead you, or in any way acted unreasonably, unfairly, or unprofessionally.

If I can provide further information, please do not hesitate to contact me. If you are dissatisfied with the outcome of this complaint, you do of course have the right to complain again to the Ombudsman.

Yours sincerely,



M.J. French
Executive Director, Planning and Conservation

c.c. Mrs. G. Edila, Director of Law and Administration
Mr. P. Moriarty, Investigator, Local Government Ombudsman

Complaint Progress Sheet

87

Date received

8/3/05

letter / fax / phone call*

Name and address of Complainant

Professor P. J. Ciclitira
25 Penzance St
W11 4QX

DT

Draft reply please

Address concerned

25 Penzance St
W11

(DT)

M

Details of complaint

Complainant "repeatedly advised" by APO to re-apply for P.P. to build 1x1 bedroom for extn at r/o terraced house. 3 of 7 in street have similar extns. Having re-applied after ^{re-visit} ~~re-visit~~ + appealed ^{initially} ~~initially~~ at APO "changed his mind".
* APO's advice ~~over~~ complainant "in excess of £21,000"

Acknowledgement sent - date

14/3/05

Action taken

replied 11/4/05 (1st working day)
process of 3 apps. considered in
approach by remedy + refusal all 3 apps.
no evidence to support that the officer
had given misleading advice or acted
unreasonably, unfairly or unprofessionally

Date cleared

Signature

*Circle as appropriate

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Professor Paul J. Ciclitira,
25 Penzance Place,
LONDON W11 4QX.

Switchboard: 0171-937 5464

Extension: 2944

Direct Line: 0171-361 2944

Facsimile: 0171-361 3463

14 March 2005

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Professor Ciclitira,

Formal Complaint
25 Penzance Place, W.11.

I am writing to acknowledge receipt of your complaint of 31 January 2005 to the Local Government Ombudsman, received in my office on 8 March 2005, regarding the above property. Your complaint has been referred to me to investigate through the Council's formal complaints procedure. I will now investigate your complaint and will respond to you within the next 28 working days.

Yours sincerely,

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

c.c.. Mrs. Gifty Edila, Director of Law and Administration
Mr. P. Moriarty, Investigator, Local Government Ombudsman,
10th Floor, Millbank Tower, Millbank, SW1P 4QP.



INVESTOR IN PEOPLE

LAW AND ADMINISTRATION
INTERNAL MEMORANDUM

TO: Mike French - Executive Director of Planning & Conservation **ROOM NO:** *① Complaint procedure*

CC:

FROM: Gifty Edila **ROOM NO:** 230

TELEPHONE: 020 7361 2256 **FAX:** 020 7361 2748

EMAIL: gift.edila@rbkc.gov.uk

DATE: 08 March 2005 **REF:** GE/dyb


SUBJECT: Complaint by Professor P J Ciclitira

Ref: Complaint by Professor P J Ciclitira of 25 Penzance Street, London W11 4QX

Please find enclosed copy letter dated 25th February 2005 and correspondence from the Ombudsman.

I would be grateful if you could put this matter through your internal complaints system.

I would be grateful for a copy of your letter for my file.

PP

Gifty Edila
Director of Law and Administration



LEGAL TEAM OF THE YEAR 2004



INVESTOR IN PEOPLE

25 February 2005

RECEIVED
28 FEB 2005
LAW & ADMINISTRATION



The Commission for
Local Administration in England

Mr D Myers
Town Clerk & Chief Executive
Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
London
W8 7NX

Tony Redmond
Local Government Ombudsman

Peter MacMahon
Deputy Ombudsman

Our ref: 04/A/16180/PBM
(Please quote our reference when contacting us)

**If telephoning contact: Pat Moriarty on 020 7217 4641
or, if using e-mail, send to: p.moriarty@lgo.org.uk**

Dear Mr Myers

The Local Government Ombudsman has received a complaint from Professor PJ Ciclitira of 25 Penzance Street, London W11 4QX. I have spoken to the complainant by telephone.

I enclose a copy of my letter to the complainant explaining that we will not pursue the complaint because it appears that your Council has not had a reasonable opportunity to investigate and reply to it. I also enclose details of the complaint.

Please would you arrange to put the complaint through the Council's own complaints procedure and to send the complainant a letter explaining what will happen and how long it will take.

When your Council has completed its consideration of the complaint, please tell the complainant and remind him/her of his/her right to complain again to the Ombudsman. We have told the complainant that, if we do not hear from him/her in the next 12 weeks, we will write to see if he/she is satisfied with the outcome.

/...

10th Floor Millbank Tower
Millbank London SW1P 4QP
Tel 020 7217 4620 Fax 020 7217 4621
DX 2376 Victoria 1
www.lgo.org.uk

If, towards the end of the 12 weeks, you feel that the complaint could be resolved with a little more time, please ask the complainant for an extension. It would be helpful if you could copy your letter to me.

Yours sincerely



Patrick Moriarty
Investigator

Enc: Complaint dated 31 January 2005
Letter to complainant of 25 February 2005

The Commission has recorded this complaint as a 'premature complaint'. As such we will not include it in the total number of complaints determined against your authority in the figures published for the year ending 31 March 2005.

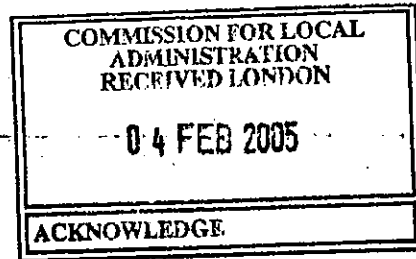
Paul J Ciclitira
Professor of Gastroenterology

25 Penzance Street
London
W11 4QX

Tel/fax: 0207 565 0415
Tel/fax: 0207 603 3594
E-mail: paul.ciclitira@kcl.ac.uk

Date: 31 January 2005

Mr Tony Redmond
Local Government Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP



Dear Sir,

Please find enclosed an application form for a claim of maladministration pertaining to a Local Government Office.

The claim is against The Planning Department of Kensington and Chelsea, Horton Street, London W8.

The complaint is that I have been repeatedly advised by Mr Derek Taylor, Senior Planning officer of Kensington And Chelsea North Team, to reapply for planning permission to build a one bedroom first floor extension on the rear of a terraced house. The terrace comprises seven houses of which three have similar extensions to that which I wish to build on my property. I am concerned that having been advised to re-apply twice for the extension which was turned down and to appeal the findings. Mr Taylor has now changed his mind.

Derek Taylor's actions have cost me in excess of £ 21,000.

Whilst I appreciate that you are unable to reverse the decision of the Planning Department of Kensington and Chelsea, they should be invited to reconsider their decision or reimburse the costs incurred.

Yours faithfully,

Paul J Ciclitira
Professor of Gastroenterology

Enc Appendix I
 Appendix II
 Appendix III
 Appendix IV

Complaint form

If you have not already done so, please read our leaflet *Complaint about the council? How to complain to the Local Government Ombudsman*. You can download it from this website (see the section 'How to complain').

When you have filled in this form, print it and send it (with the monitoring form, which follows) to the office of the Ombudsman who deals with your area. The addresses are at the end of the document.

Please delete or cross through options as appropriate.

1 PROFESSOR

First name: PAUL

Surname: CICLITIRA

2 Your address: 25 Penzance Street, London

Postcode: W11 4QX

email address: secretary: mila.labar_weintrop@kcl.ac.uk

3 Daytime contact phone number: 0207 620 2597 (W)

Note: Please put in the telephone number where we can contact you between 9am and 5pm. Tell us if it is your home or work, or the number of a neighbour or friend. If you do not have a daytime contact number, please put down a number with an answerphone where we can leave a message during the day. If you do not have any of these, please leave this section blank.

- 4 **Your special requirements:** If anything makes it difficult for you to use our service, for example if English is not your first language or you have a disability, please use the space below to tell us how we might help you.

N/A

- 5 Which council or authority are you complaining about?

Kensington & Chelsea, Horton Street, London W8

*Note: Please write the name of the organisation you want to complain about. It may not be a council. The list of organisations and authorities we can deal with is on page 3 of our leaflet **Complaint about the council?** This is in the **How to complain** section of this website.*

- 6 What do you think the council or authority did wrong?

The Senior Planning Officer of Kensington And Chelsea Planning Office advised me to re-apply twice and appeal failure to grant planning permission for a first floor one-bedroom extension similar to that built on 3 out of 7 identical properties.

- 7 How has this affected you?

He advised me to pursue the above for which the costs have been more than £ 21,000.

- 8 What do you think the council or authority should do to put things right?

Reconsider their refusal to grant the planning permission for a one-bedroom extension similar to that on 3 out of 7 houses or reimburse my costs.

- 9 Have you complained to the council or authority? **No**

*Note: In most cases, before we can investigate a complaint, **the council must have a chance to answer it.** If you have not complained to the council, please do so. You can find out how to complain from the council=s offices or you can ask a councillor to help. If you are not satisfied with the answer, or if the council does not give you an answer within a reasonable time, you can complain to the Ombudsman for your area. In some urgent cases, including education admission appeals, we may be able to deal with your complaint straight away.*

- 10 If you know, please say when you complained to the council or authority.

It will help us deal quickly with your complaint if you send us copies of any letters or documents about it. Please say if you would like them returned when we have finished looking at your case. Yes/No

Your signature:

Date:

To be signed by the person making the complaint

Paul J Ciclitira
Professor of Gastroenterology

25 Penzance Street
London
W11 4QX

Tel/fax: 0207 565 0415
Tel/fax: 0207 603 3594
E-mail: paul.ciclitira@kcl.ac.uk

Date: 31 January 2005

APPENDIX I

To Whom It May Concern:

Re: 25 Penzance Street, London W11 4QX

Following my purchase of this property in June 2001, I sought planning permission for a one-bedroom extension on the flat roof on the first floor. The house comprises a terrace of seven properties all of which are identical except for the centre one which I own. This is because the centre one is marginally wider, by approximately 1 brick length and the rear eave height is slightly higher. My initial application for planning permission for the extension was through Carl Falk Associated Ltd. Miss S Gentry from the *Planning Department of Kensington and Chelsea* contacted me via the architects, requesting the plans to be re-drawn on two separate occasions. My architects and I were led to believe that complying with these requests would result in planning permission being granted. The cost for this was approximately £ 500. The application was subsequently declined.

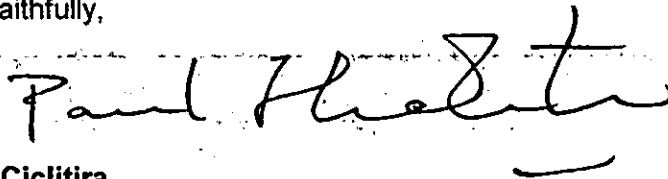
I subsequently sought a meeting with a member of the Planning Department to seek advice as to how best to proceed with this. I met Mr Derek Taylor at my property 25 Penzance Street. He advised that in his opinion the refusal for the permission above was a mistake and advised me to re-apply possibly with a concurrent application for a similar extension at 26 Penzance Street. The latter was drawn by Carl Falk Associates at a cost of approximately £ 2,000. The two planning applications of both 25 and 26 Penzance Street were submitted separately. I was led to believe by the planning officer who came to visit the property that there would be no problems pertaining to this. However, the application was declined the second time.

Subsequently I employed another architect, Mr John Langley from Tectus Ltd. who telephoned Mr Taylor at Kensington and Chelsea Planning Office. He advised further drawings be made and for another submission to be entered. Technical drawings of the rear of the house were obtained shortly after submission at approximate cost of £ 1,000. The additional architects cost approximately £ 2,500. Mr John Wade from the *Planning Department of Kensington and Chelsea* visited the property. He expressed the view that he saw no problems with the application being successfully processed. However, the application was declined again. Mr Derek Taylor advised both myself and Mr Langley that we should proceed to an appeal as in his opinion this would almost certainly result in planning permission being granted.

Thus, I have received advice from three planning officers from *Kensington and Chelsea Planning Office*; 1) Miss Gentry whom I now know to be Mr Taylor's assistant, 2) Mr Taylor and 3) Mr Wade, all of whom advised that permission which should be a formality in view of seeking an extension on a house in a terrace of seven of which three of the properties have already have such an extension, I am being subject to discrimination. I am concerned that the facts do not make sense, particularly following repeated advice from Mr Taylor, *Head of the North Team Planning Section for Kensington and Chelsea*.

The costs of advice that I have followed to the letter from Mr Taylor have resulted in expenditure to my household of in excess of £ 21,000.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Paul Ciclitira". The signature is written in a cursive style with a large, stylized initial "P".

Paul J Ciclitira
Professor of Gastroenterology

25 February 2005

Professor PJ Ciclitira
25 Penzance Street
London
W11 4QX

Our ref: 04/A/16180/PBM
(Please quote our reference when contacting us)

**If telephoning contact: Pat Moriarty on 020 7217 4641
or, if using e-mail, send to: p.moriarty@lgo.org.uk**

Dear Professor Ciclitira

The Local Government Ombudsman has asked me to consider your complaint against the Royal Borough of Kensington and Chelsea and to write to you. We have spoken by telephone.

The Local Government Act 1974 says that, before investigating a complaint, the Ombudsman must be satisfied that the Council knows about the complaint and has been given an opportunity to investigate and to reply. We refer to this in our information leaflet, which I enclose.

From the information you have supplied, it appears to me that the Council may not yet have had a reasonable opportunity to deal with the matter. So:

- I will send a copy of your complaint to the Council and ask the Chief Executive to put it through the Council's own complaints procedure, to keep you informed of progress, and to let you know the outcome.
- Councils can often resolve complaints at the first stage of a complaints procedure. If you are not satisfied with the Council's initial response the Ombudsman would encourage you to pursue the matter through the Council's procedure, *provided* the Council responds to you in a reasonable time and tells you how to take your complaint to the next stage. However, other than in exceptional circumstances, the Ombudsman would consider that 12 weeks was sufficient time to allow a Council to consider a complaint.
- Once the Council has considered your complaint (if appropriate through a second or subsequent stage) or has had a reasonable time to do so, if it has not been resolved to your satisfaction and you want the Ombudsman to deal with the matter please write and let us know. Please send the relevant papers, including any

/...

responses to your complaint from the Council, and explain why you are dissatisfied.

- If following a first response from the Council you have particular reasons why you do not want to pursue the matter through the Council's procedure and wish the Ombudsman to become involved sooner please write and let us know immediately.
- If we do not hear from you by (which is 12 weeks from today/the date you first complained in writing to the Council) we will write to you to check if your complaint has been satisfactorily resolved.

Yours sincerely

Patrick Moriarty
Investigator

Appeal Decision

Inquiry held on 23 November 2004

Site visit made on 23 November 2004

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
409 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 8PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

06 DEC 2004

Appeal Ref: APP/K5600/A/04/1143590

25 Penzance Street, London, W11 4QX.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Professor Paul J Ciclitira against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref.PP/03/02526, dated 2 December 2003, was refused by notice dated 28 January 2004.
- The development proposed is the addition of a new extension at second floor level to rear of building.

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The appeal site lies within the Norland Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of such areas.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Norland Conservation Area.

Planning Policy

3. The development plan comprises The London Plan, adopted in 2004, and The Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), adopted in 2002. Given the scale and nature of the proposals I consider that the most relevant policies are CD47, CD57, CD61 and CD62 of the UDP.
4. Policy CD47 resists proposed extensions where, amongst other things, they would rise above the general height of neighbouring or nearby extensions or, would not be visually subordinate to the parent building or, would spoil or disrupt the even rhythm of rear additions. Policies CD57 and CD61 broadly reflect the statutory duty, set out above, regarding conservation areas. Under policy CD62 development in conservation areas must be designed to a high standard and be compatible, amongst other things, with the character, scale and pattern of surrounding development.
5. The Norland Conservation Area Policy Statement was published as supplementary planning guidance (SPG) by the Council in 1982. It includes a description of the character and appearance of the conservation area and identifies the qualities that led to its designation. This guidance has been subject to a process of public consultation. I agree with both main parties that it should be given considerable weight in this appeal.

Appeal Decision APP/K5600/A/04/1143590

Principles' requires particular weight to be given to the impact of development in conservation areas. This is reflected in the draft version of PPS1. The SPG also identifies planforms as part of the special qualities of the area.

13. Both main parties agree that the rear elevations of the terrace of houses at Nos.22-28 Penzance Street are much altered. I share the Council's view that notwithstanding these changes the character remains predominantly small-scale, informal and lacking in any distinct rhythm. In my opinion this contributes to the special qualities of the conservation area. The most significant alterations are attributable to the height and massing of the three storey rear extensions at Nos. 23, 24 and 27. These bulky additions pay little regard to the integrity of the respective host buildings and are disruptive to the planform of these houses.
14. The planning history reveals that two of these schemes were permitted by the Council in 1986 on the basis of a "precedent" created at No. 24. I note the arguments of both main parties concerning the materiality or otherwise of policy changes since that time. I am not however bound by these previous approvals or the earlier extension to No. 24. I shall determine this case on its own merits. I consider however that a repetition of this type of upper floor extension would be likely to result in further harm, including the possibility of an inappropriate rhythm of development along the rear of this terrace.
15. The appellant has calculated that the proposal would create an additional 18-sq-metres of floorspace. This relatively modest increase in the overall floorspace of the building would not extend the 'footprint' of the house. The proposed extension would be the same height as these neighbouring third floor extensions and would be just below the eaves height on the host building. It would be recessed behind the line of the existing extension to allow for a shallow roof terrace. The development would be finished to match the existing building and would provide a very small increase in the extent of private amenity space available to the occupiers of No. 25. In my opinion it would accord with aspects of UDP policy CD47. Its contribution towards the more efficient use of urban land would however be so small as to be insignificant.
16. I consider that the proposed development would add significantly to the bulk of the building. Its box like shape and location at the third floor level of the building would be a discordant addition to the house and would conceal much of the existing upper floor of the building. The proposal would also unacceptably disrupt the original plan form of the house. Together with the flat roof design and large 'french style' doors the development would contrast awkwardly with the Victorian architecture and simple dignity of the property. Unlike the existing two storey extension it would be a very assertive and harmful addition to the host building. The proposed development would not be visually subordinate to No. 25 and would fail to respect the distinctive qualities of this building. It would detract from the contribution that the existing building makes to the character of the conservation area.
17. The proposal would be similar to neighbouring third floor extensions. It would result in four of the seven properties in this terrace being extended in this way and would create a harmful rhythm of development along the rear of this row of houses. Rather than removing "clutter", as argued by the appellant, the proposal would seriously diminish the integrity of the terrace. It would erode the small-scale, informal character of the rear of these houses. Furthermore, although the extension would only be glimpsed from the public realm it would be visible from a significant number of neighbouring properties. The detrimental effects of the proposal would be apparent from both public and private spaces. This harm to the

Appeal Decision APP/K5600/A/04/1143590

appearance of the conservation area is not outweighed by the limited number of objections raised by neighbouring residents.

18. I therefore conclude on the main issue that the proposal would harm the character and appearance of the Norland Conservation Area. It would fail to accord with the aims and objectives of UDP policies CD47, CD57, CD61, CD62 and the Council's SPG.

Other Matters

19. At present there is mutual overlooking of neighbouring properties at the rear of this terrace, including the gardens. The outlook from some of the rear rooms in these houses also appears to me to be limited by the flank walls of adjacent extensions. I would expect the sunlight and daylight into these rooms to be somewhat constrained.
20. In my opinion the proposal would give rise to some additional overlooking of neighbouring gardens and entail a limited loss of sunlight/daylight to adjoining houses. No openings would be inserted in the flank wall facing Nos. 26 and 27 and the facing bedroom window in No. 27 would be set back behind the proposed roof terrace. The window proposed in the flank wall facing No. 24 could also be obscure glazed and non-opening. On balance, the proposal would be unlikely to result in any significant loss of privacy or sunlight/daylight for neighbouring residents. The outlook from neighbouring houses would however change. This would be especially so for the occupiers of Nos. 24 and 26. These neighbours would notice the tall flank walls and massing of the extension and experience an increased sense of enclosure. The proposal would appear overbearing from some rooms at the rear of Nos. 24 and 26 and the roof terrace at No.26. It would detract from the living conditions for the occupiers of these two houses. Whilst by itself this would not be so great as to justify withholding permission it adds weight to the arguments for dismissing the appeal.

Conclusions

21. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Formal Decision

22. I dismiss the appeal.

Nailor

Inspector

Appeal Decision APP/K5600/A/04/1143590

APPEARANCES

FOR THE APPELLANT:

Mr J Pereira of Counsel

Instructed by Mr D R Horne, Derek Horne & Associates,
27 Maiden Lane, Covent Garden, London, WC2E 7JS.

He called

Mr D R Horne DipTP, MRTPI

Principal, Derek Horne & Associates.

FOR THE LOCAL PLANNING AUTHORITY:

Mr T Cosgrove of Counsel

Instructed by the Council's Director of Law and
Administration.

He called

Mr J Wade BSc(Hons), MA, MA, Planning Officer for the Council.
MRTPI, MCIM

Mr D F McCoy DipArch, FRTPI, Principal, McCoy Associates.
ARIBA

INTERESTED PERSONS:

Mrs H Farley

26 Penzance Street, London, W11 4QX.

DOCUMENTS:

Document 1

List of persons present at the Inquiry.

Document 2

The Council's letters of notification in respect of the
Inquiry and list of those notified.

Document 3

Statement of Common Ground agreed by both main
parties.

Document 4

Mr Horne's proof of evidence and appendices.

Document 5

Mr Wade's proof of evidence, appendices and summary.

Document 6

Mr McCoy's proof of evidence and appendices.

Document 7

Page 23 from Council's SPG, supplied by the Council.

Document 8

List of planning conditions suggested by the Council.

PLANS:

Plans A1 - A6

The application drawings (Nos. 1405 P 01 - 05, including
separate site location plan also no. 1405 P 01).