

COMMITTEE REPORT

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Committee Report

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ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

PLANNING & CONSERVATION COMMITTEE
PLANNING SERVICES COMMITTEE
DELEGATED

APP NO. PP/03/02526
AGENDA ITEM NO.

ADDRESS/SUBJECT OF REPORT:

25 Penzance Street,
London, W11 4QX

APPLICATION DATED 02/12/2003

APPLICATION REVISED

APPLICATION COMPLETE 03/12/2003

APPLICANT/AGENT ADDRESS:

Tectus,
8-9 Stephen Mews,
London
W1T 1AF

CONS. AREA 2

CAPS Yes

ARTICLE '4' Yes

WARD NOB

LISTED BUILDING

No

HBMC DIRECTION

CONSULTED

OBJ.

SUPPORT

PET.

RECOMMENDED PROPOSAL:

RBK& C DRAWING NO(S):

RECOMMENDED DECISION:

CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:

TO: SEE DISTRIBUTION LIST

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

MY REF(S): RAG/PP/03/02526
ODPM's Reference: App/K5600/ A/04/1143590
ROOM NO: 324

YOUR REF:
SEE DISTRIBUTION LIST
EXTN: 2081

DATE: 09/12/2004

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL 25 Penzance Street, London, W11 4QX

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

DISTRIBUTION LIST:

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TOWN CLERK & CHIEF EXECUTIVE A.KHAN RM: 253
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HEAD OF DEVELOPMENT CONTROL
APPEALS OFFICER
NORTH
CENTRAL
SOUTH-EAST
SOUTH-WEST
INFORMATION OFFICE
FORWARD PLANNING..... G. FOSTER
DESIGN. D. McDONALD
STATUTORY REGISTER
FILE(S)
SYSTEMS.....C. STAPLETON



The Planning Inspectorate

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

Direct Line 0117-3728930
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Mrs R Townley (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
Planning Services Department
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/03/02526
Our Ref: APP/K5600/A/04/1143590
Date: 6 December 2004

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX**

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

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

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

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

Phone No. 0117 372 8252
Fax No. 0117 372 8139
E-mail: Complaints@pins.gsi.gov.uk

Yours faithfully

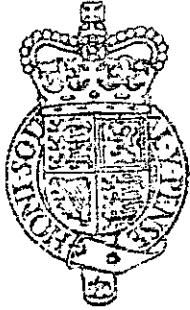
A Bailey
PP

Mr Dave Shorland

COVERDL1

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R.B.	- 8 DEC 2004				PLANNING	
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HBS			4RB	FPLN	DES	FEE

10



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
4/09 Kite Wing
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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.

6. The appellant has drawn my attention to PPG3 'Housing'. As the proposal would not entail the creation of a new dwelling I consider this is of little, if any, relevance to this appeal. I also note the consultation paper on Planning Policy Statement 1 'Creating Sustainable Communities' (PPS1). This carries limited weight in view of its draft status.

Planning History

7. Planning permission was granted in 1963 for alterations to 25 Penzance Street (Ref. TP.8035). A certificate of lawfulness for the erection of a side extension to the rear ground floor of this house was issued in 2001 (Ref. CL/01/01544). In 2001 and 2002 permission was refused for a second floor rear extension (Refs. PP/01/01349 and PP/02/00267).
8. In addition to the above I also note that in 1986 planning permission was granted for second floor rear extensions to Nos.27 and 23 Penzance Street (Refs. TP/86/0172 and TP/86/1356). An appeal for a hand rail on an existing roof terrace at 26 Penzance Street was dismissed in 1997 (Ref. T/APP/K5600/A/97/281041/P8) following the Council's refusal of planning permission. In 2000 and 2002 permission was refused for second floor rear extensions with roof terraces to Nos. 22 and 26 Penzance Street (Refs. PP/00/01863 and PP/02/00194).
9. There is no planning record in respect of the second floor extension at 24 Penzance Street. At the Inquiry the Council informed me that this extension had been erected many years ago and was now immune to any enforcement action.

Reasons

10. The main focus of the Norland Conservation Area is the Norland Estate. This sizeable estate was developed during the mid nineteenth century and includes very many terraced houses. Due to the dates of the buildings being so close the area retains a homogeneity. I consider that the design layout of this estate, the pleasing variety of building styles and the Victorian plan formats afford the area considerable interest and charm. The Council's SPG identifies some developments as "eccentricities" that emphasise the areas character. The three storey terrace of brick built gable houses at Nos. 22-28 Penzance Street is one such example. The area also includes some modern developments such as the terrace of maisonettes built in 1977 along Princes Place and to the south of Penzance Street.
11. The appeal site occupies a central position within a terrace of seven originally similar properties. It stands slightly forward of the other houses within this row and its rear eaves line is about 0.5 metre higher than the others. The rear outshots, which are characteristic of such terraces, all appear to have been altered or rebuilt. Nos. 23, 24 and 27 have substantial extensions to third floor level, including roof terraces. To the rear of No.25 there is a modern two storey rendered extension with a shallow monopitch roof. This extends to the full width of the plot at ground floor level. The two storey extension to the rear of No.26 has a flatter roof and there are different rear additions to other houses in this row. Tall garden walls and planting at the rear of this terrace limit public views into the site from Princes Place. More extensive views are obtained from the windows and deck access to a number of neighbouring houses, including some of those in Princes Place.
12. Both the Council's SPG and the UDP recognise the importance of exercising sensitive control over rear extensions. Paragraph 1.1 to Planning Policy Guidance 15 'Planning and the Historic Environment' (PPG15) provides that there should be effective protection for all aspects of the historic environment and paragraph 18 to PPG1 'General Policy and

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

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

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, MRTPI, MCIM
Planning Officer for the Council.

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

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).



The Planning Inspectorate

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

Challenging the Decision in the High Court

Challenging the decision

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

Grounds for challenging the decision

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

Different appeal types

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

Challenges to planning appeal decisions

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

Challenges to enforcement appeal decisions

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

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

Frequently asked questions

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

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

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

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

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

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

Inspection of appeal documents

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

Further information

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: www.courtservice.gov.uk

Council on tribunals

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

Contacting us

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

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Room 1-004
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The Parliamentary Ombudsman

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

Helpline: 0845 0154033

Website: www.ombudsman.org.uk

E-mail: opca-enqu@ombudsman.org.uk





The Planning Inspectorate

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

Our Complaints Procedures

Complaints

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

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

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

How we investigate complaints

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

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

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



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What we will do if we have made a mistake

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

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future. Minor slips and errors may be corrected under the terms of the Planning & Compulsory Purchase Act 2004 but we cannot amend or change in any way the substance of an Inspector's decision.

Who checks our work?

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

Taking it further

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

Frequently asked questions

"Can the decision be reviewed if a mistake has happened?" – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

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

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

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

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

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

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

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

Further information

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

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

Contacting us

Quality Assurance Unit
The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
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The Parliamentary Ombudsman

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E-mail: opca-enqu@ombudsman.org.uk

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

File copy

Switchboard: 020-7937-5464

1 Direct Line: 020-7361-2573

Extension: 2573

Facsimile: 020-7361-3463

Date: 11/10/2004

My Ref: DPS/DCN/PP/03/02526 Please ask for: Mr.J. Wade
ODPM's Reference: App/K5600/ A/04/1143590

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 25 Penzance Street, London, W11 4QX

Further to my letter of 18/03/2004 regarding the planning appeal in respect of the above property, this department has now received details of the appeal procedure. This appeal will be heard at a **PUBLIC INQUIRY** before an Inspector from the Planning Inspectorate, which will take place on 23/11/2004 at 10.00 am in Committee room 1 at the Town Hall, Hornton Street, Kensington, W8. . This appeal is against the Council's decision to refuse planning permission for : **Erection of second floor rear extension with roof terrace.**

As a local resident or interested party, you may attend the Inquiry and, at the discretion of the Inspector, make representations.

The Council's reasons for refusal, the Appellant's grounds of appeal, the Council's questionnaire and the Appellant's and Council's written statements may be inspected in the Planning Information Office at the Town Hall (**please telephone ahead in order to ensure that these are all available**).

If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully

M. J. FRENCH

Executive Director, Planning and Conservation



INVESTOR IN PEOPLE

DEREK HORNE ASSOCIATES
 CHARTERED TOWN PLANNERS

27 Maiden Lane, Covent Garden, London WC2E 7JS
 Telephone: 020 7497 0855 Fax: 020 7497 0988
 Email: derek@horneassociates.com Web: www.horneassociates.com

Our Ref: **DHA/04/08/DRH**
 Your Ref: **PP/03/02526**

25th October 2004



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

Dear Sir

Town and Country Planning Act 1990
Appeal by Professor P J Ciclitira
Site at 25 Penzance Street, London, W11 4QX

Please find enclosed herewith a copy of a letter sent today to the Planning Inspectorate, for your records.

Yours faithfully

PP

DEREK R HORNE

cc: Mr James Pereira
 Professor P J Ciclitira

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		26 OCT 2004			57	
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HBS			ARB	FPLN	DES	FEES

STATEMENT OF COMMON GROUND

APPEAL REFERENCE:

APP/K5600/A/04/1145590

DATE OF INQUIRY:

23.11.04

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

25 PENZANCE STREET, LONDON, W11 4QX

APPELLANT

PROFESSOR PAUL J CICLITIRA

LPA

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

This statement addresses the following areas of common ground:

1. Description of the site (including agreed dimensions)
2. Description of the area
3. Planning history of site
4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).
5. Relevance of any supplementary planning guidance published by LPA.
6. Others: (eg where applicable, agreed traffic (and/or other) data and circumstances)

It will be helpful also to identify matters which are the subject of specific disagreement.

Enter text of common ground

(Please sign the boxes at the end)

1. Description of the Site

The appeal site measures approximately 174.4 square metres and is located on the south side of Penzance Street. There are only obstructed views and partial views of the proposed rear extension to No 25 Penzance Street from any public viewpoint. Private views of the rear of the appeal site can be gained from the occupiers of Princes Place (the flats to the rear of the site) and from the rear of the adjoining terrace properties.

2. Description of the Area

The appeal site forms part of a Victorian terrace of similar three storey gabled houses comprising Nos 22-28 Penzance Street within a much longer terrace containing different architectural styles of different ages. The appeal site is located within the Norland Conservation Area, however none of the terrace comprising Nos 22-28 Penzance Street are listed buildings. Modern developments are located to the north (front) and south (rear) of the appeal site. There is a high brick wall and access road located between the rear (south), the appeal site and Princes Place.

3. Planning History of the Site and Surrounding Properties

A Certificate of Lawfulness of Proposed Development was granted for the erection of a single storey side extension to the rear ground floor of No 25 Penzance Street, which has been constructed.

Two planning applications seeking the erection of a second floor rear extension to No 25 Penzance Street have been refused (local authority references PP/01/01349 and PP/02/00194).

Extensions similar in scale, height and design to the development the subject of this appeal have been constructed to the rear of Nos 23, 24 and 27 Penzance Street. The extensions to Nos 23 and 27 were granted planning permission by local authority references TP/86/1356 and TP/86/0172 respectively. The Council do not hold a planning record of the two storey rear extension to No 24 Penzance Street. It has not been the subject of any enforcement action.

Planning application local authority reference PP/00/1863 for a rear extension at second floor level with roof terrace to No 22 Penzance Street was refused in December 2000.

4. Development Plan

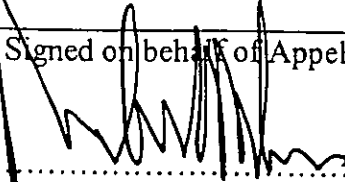
The London Plan, Spatial Development Strategy for Greater London was adopted in February 2004 and replaces RPG3.

The Unitary Development Plan for the Royal Borough of Kensington and Chelsea was adopted 25th May 2002.

5. Supplementary Planning Guidance

Norland Conservation Area Policy Statement published September 1982.

6. It is agreed that the proposed extension would not cause unacceptable harm to the amenities of adjoining properties by way of overlooking and loss of daylight.
7. The matter which is the subject of specific disagreement is whether the proposed development in terms of its height, location, scale and appearance would preserve or enhance the character and appearance of the Conservation Area.

Signed on behalf of Appellant  Date <u>25.10.04</u>	Signed on behalf of LPA Date
Position <u>Agent</u>	Position

Please continue on separate sheet(s) if necessary (sign at end)

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

File copy

1 Direct Line: 020-7361-2573

Extension: 2573

Facsimile: 020-7361-3463

Switchboard: 020-7937-5464

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 11/10/2004

My Ref: DPS/DCN/PP/03/02526 Please ask for: Mr.J. Wade
ODPM's Reference: App/K5600/ A/04/1143590

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 25 Penzance Street, London, W11 4QX

Further to my letter of 18/03/2004 regarding the planning appeal in respect of the above property, this department has now received details of the appeal procedure. This appeal will be heard at a **PUBLIC INQUIRY** before an Inspector from the Planning Inspectorate, which will take place on 23/11/2004 at 10.00 am in **Committee room 1** at the **Town Hall, Hornton Street, Kensington, W8**. This appeal is against the Council's decision to refuse planning permission for : **Erection of second floor rear extension with roof terrace.**

As a local resident or interested party, you may attend the Inquiry and, at the discretion of the Inspector, make representations.

The Council's reasons for refusal, the Appellant's grounds of appeal, the Council's questionnaire and the Appellant's and Council's written statements may be inspected in the Planning Information Office at the Town Hall (**please telephone ahead in order to ensure that these are all available**).

If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully

M. J. FRENCH

Executive Director, Planning and Conservation



INVESTOR IN PEOPLE

DEREK HORNE ASSOCIATES
CHARTERED TOWN PLANNERS

27 Maiden Lane, Covent Garden, London WC2E 7JS
Telephone: 020 7497 0855 Fax: 020 7497 0988
Email: derek@horneassociates.com Web: www.horneassociates.com

Our Ref: **DHA/04/08/DRH**
Your Ref: **APP/K5600/A/04/1143590**

25th October 2004

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

For the attention of Mr Dave Shorland

Dear Sirs

Town and Country Planning Act 1990
Appeal by Professor P J Ciclitira
Site at 25 Penzance Street, London, W11 4QX

Please find enclosed herewith two copies of the Statement of Common Ground which has been agreed today with Mr Jonathan Wade of the Royal Borough of Kensington and Chelsea Planning Department in connection with the above appeal.

I confirm that a copy of this letter has been sent today to the local planning authority.

Yours faithfully



DEREK R HORNE

cc: Mr James Pereira
Professor P J Ciclitira
Royal Borough of Kensington and Chelsea ✓

STATEMENT OF COMMON GROUND

APPEAL REFERENCE:

DATE OF INQUIRY:

APP/K5600/A/04/1145590

23.11.04

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

25 PENZANCE STREET, LONDON, W11 4QX

APPELLANT

PROFESSOR PAUL J CICLITIRA

LPA

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

This statement addresses the following areas of common ground:

1. Description of the site (including agreed dimensions)
2. Description of the area
3. Planning history of site
4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).
5. Relevance of any supplementary planning guidance published by LPA.
6. Others: (*eg where applicable, agreed traffic (and/or other) data and circumstances*)

It will be helpful also to identify matters which are the subject of specific disagreement.

Enter text of common ground

(Please sign the boxes at the end)

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The appeal site measures approximately 174.4 square metres and is located on the south side of Penzance Street. There are only obstructed views and partial views of the proposed rear extension to No 25 Penzance Street from any public viewpoint. Private views of the rear of the appeal site can be gained from the occupiers of Princes Place (the flats to the rear of the site) and from the rear of the adjoining terrace properties.

2. Description of the Area

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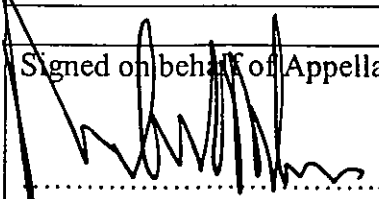
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Norland Conservation Area Policy Statement published September 1982.

- 6. It is agreed that the proposed extension would not cause unacceptable harm to the amenities of adjoining properties by way of overlooking and loss of daylight.
- 7. The matter which is the subject of specific disagreement is whether the proposed development in terms of its height, location, scale and appearance would preserve or enhance the character and appearance of the Conservation Area.

Signed on behalf of Appellant  Date 25.10.04 Position Agent	Signed on behalf of LPA Date Position
--	---

Please continue on separate sheet(s) if necessary (sign at end)

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. D. McCoy,
McCoy Associates,
54 New Street,
Henley-on-Thames
Oxon, RG9 2BT

Switchboard: 020 7937 5464
Extension: 2092
Facsimile: 020 7361 3463
Web: www.rbkc.gov.uk

23 September 2004

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DCN/PP/03/ Your reference:
02526

Please ask for: Mr. J. Wade

Dear Mr. McCoy,

Re: Town and Country Planning Act 1990
Appeal at 25 Penzance Street, W11 4QX

I refer to your telephone conversations with my officer, Mr. Wade, the papers he sent you and your letter dated 21st September 2004.

I am pleased that you can offer the Council your services, especially as you directed the preparation of the Nörland Conservation Area Proposals Statement.

On the basis of your fee schedule I can confirm your appointment to give conservation area evidence at the forthcoming Inquiry into the Council's refusal to permit a second floor rear extension to the above property. If you have any further queries, please contact my officer, Mr. Wade (0207 361 2092).

Yours sincerely,

 Michael J. French
Executive Director, Planning and Conservation



INVESTOR IN PEOPLE

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.

J.W



The Planning Inspectorate

3/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
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e-mail: peter.rowlstone@pins.gsi.gov.uk
http://www.planning-inspectorate.gov.uk

Mr J Wade
Kensington And Chelsea R B C
Planning Services Department
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/03/02526
Our Ref: APP/K5600/A/04/1143590
Date: 30 April 2004

Dear Mr Wade

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX**

Thank you for your letters of 11 March and 23 April.

We have reviewed the procedure chosen by the appellants for their appeal. This has involved writing to the appellant's agents and undertaking further consultation within the Planning Inspectorate. I have enclosed a copy of the appellant's response to our letter of 1 April.

In most cases, the choice of procedure lies with the appellant. As you will be aware, the main parties have the right to have an appeal heard by an Inspector, either at an informal hearing or a local inquiry. In this instance, the appellants have exercised this right and requested that their appeal be heard under the more formal inquiry process. It is not common practice for a local planning authority to be consulted on the type of procedure an appellant chooses for their appeal. Equally, an appellant's choice of procedure is normally respected by the Planning Inspectorate, and will only be over-ruled in exceptional circumstances.

In this case, we have requested further justification for the type of procedure requested by the appellant. We are satisfied that their response gives sufficient reason for this appeal to continue on its present course. Therefore, I can confirm that this appeal will continue under the local inquiry procedure.

Yours sincerely


PETER ROWLSTONE
Planning Inspectorate
Appeals Administration

EX DIR	HDC	TP	CAC	AD	GLU	AO	AK
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K.C.							
N	C	SW	SE	APP	NO	REC	
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Telephone: 020 7497 0855 Fax: 020 7497 0988
Email: derek@horneassociates.com Web: www.horneassociates.com

BY FAX AND POST

Our Ref: **DHA/04/08/GG**
Your Ref: **APP/K5600/A/04/1143590**

13th April 2004

The Planning Inspectorate
3/07 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN
For the attention of Mr Peter Rowstone

Dear Sirs

Town and Country Planning Act 1990
Appeal by Professor P J Ciclitira
Site at 25 Penzance Street, London, W11 4QX

I refer to your letter dated 1st April 2004 regarding the above appeal, and a telephone conversation between Mr P Rowstone of the Planning Inspectorate and Mr G Gallagher of Derek Horne and Associates during which it was agreed to extend the response time to the letter until the 13th April 2004.

I can confirm that our Client requests the matter to be dealt with by way of an Inquiry. In addition to the reason required to justify an Inquiry in this instance provided in our letter dated 4th March 2004 it is considered that the following points be taken into account:

- (i) An inquiry is undoubtedly suited to examining the merits of the appeal;
- (ii) Having an Inquiry will not increase the length of time the case takes. It is likely to take about half a day for either an Inquiry or a Hearing. Therefore the Council are wrong to suggest that costs will increase. It is the Council's decision, as to how they are represented, and if the case is straight forward, as they suggest, then there should be no need for them to instruct an advocate;



- (iii) The appellant feels strongly that the Council has not acted with an even hand in allowing other extensions but refusing his. While we can understand the Council would wish to avoid cross-examination on whether they have properly assessed the merits of his application, that is not a reason to deny the appellant the opportunity to cross-examine the Council's witness;
- (iv) The appeal involves not merely an extension, but the impact on the Conservation Area of the proposals;
- (v) The issue of precedent and the planning history is not straight forward in this case. The Council appear to be arguing that because the extension would be like other extensions, it will be harmful. This is a novel approach which requires the close scrutiny which an Inquiry would provide;

We would re-iterate that the appellant is not a developer but someone who wants to extend his own home. The appeal is of great importance to him. Having an Inquiry will not materially increase the length or costs of the appeal. On the other hand, it will ensure that the key issues are dealt with properly. In the interests of fairness an Inquiry should be allowed – indeed, until recently it was the Inspectorate's policy to allow Inquiries whenever one of the principal parties requested it – see Planning Encyclopaedia paragraph P79.16.

We trust this letter provides you with the necessary justification for requiring an Inquiry in this instance.

Yours faithfully

GAVIN GALLAGHER

cc: Mr James Pereira
Professor Paul J Ciclitira
Mr John Langley

PLANNING AND CONSERVATION

**THE ROYAL
BOROUGH OF**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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

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Direct Line: 0207 361-2573

Extension: 2573

Facsimile: 0207 361-3463

23 April 2004



**KENSINGTON
AND CHELSEA**

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

Please ask for: Mr.J. Wade

Dear Mr. Rowstone,

Re: Town and Country Planning Act 1990

Appeal by Professor P.J. Ciclitira

Site at 25 Penzance Street, London, W11 4QX (Ref. APP/K5600/A/04/1143590)

Further to my letter dated 11th March 2004 (copy enclosed) and your letter to Mr. Horne of Derek Horne and Associates dated 1st April 2004. It is noted in your letter to Mr. Horne that a deadline was set of the 8th April 2004 as to whether the above appeal would be heard by a hearing or public inquiry.

It is very disappointing to note that the Council were not originally given an opportunity to comment on what type of appeal would be appropriate but instead were informed that the case was a public inquiry, the appeal notification being received on 4th March 2004 and start letter being dated the same day. A subsequent telephone conversation with my officer, Mr. Wade and David Shorland appeared to confirm that the appellants had confirmed that they wished to have a public local inquiry and therefore the Planning Inspectorate had little choice, but to agree to this method. It was therefore with some surprise that your letter dated 8th April 2004 was received.

My letter dated 11th March 2004 gave the Council's opinion as to why they did not feel a public inquiry was appropriate. I am still awaiting a reply to this letter. Please note that the Council has requested the Inspectorate's reasons as to why it is considered the most appropriate procedure in this case. However, the deadline of the 8th April passed some time ago and the Council has still not had a reply as to the procedure to be adopted and the reasons for this.



INVESTOR IN PEOPLE

It is assumed that the case is now proceeding as a public local inquiry as the appellants' Rule 6 statement has now been received. However, I feel that this case has not been handled at all well by the Planning Inspectorate. The Council were not given an opportunity to comment on the type of appeal prior to a decision being made and although the appeal procedure has since been reviewed no notification has been received of the Inspectorate's decision. I have also not received a reply to my letter of 11th March 2004. Under the circumstances I look forward to your early reply.

Yours sincerely,

M. J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION



The Planning Inspectorate

JW

3/23 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
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Switchboard 0117-3728000
Fax No 0117-3728804
GTN 1371-8098

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

Your Ref: PP/03/02526
Our Ref: APP/K5600/A/04/1143590
Date: 22 April 2004

EX DIP	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		27 APR 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FES

85

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX

I am writing to confirm the arrangements made in previous communications for the inquiry into the above appeal, in accordance with the relevant Inquiries Procedure Rules.

The inquiry will be held at 10:00 on Tuesday 23 November 2004 at The Town Hall, Hornton Street, Kensington. The venue should be reserved for 1 day. Please arrange a car-parking space for the Inspector. Could you send the details, together with a location plan of the venue, to the case officer quoting our appeal reference number.

The name of the Inspector will be confirmed to you at a later date.

Please note that the date has been imposed upon Derek Horne And Associates Ltd.

Formal notices will be sent in due course.

Please note that disabled people who may be concerned about facilities at the venue have been advised to write to or contact your Council to confirm that proper provisions are in place.

Yours faithfully

Miss Carolyn Welding

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

FFL



The Planning Inspectorate

JW

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

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

Your Ref: PP/03/02526
Our Ref: APP/K5600/A/04/1143590
Date: 19 April 2004

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX**

I enclose a copy of the appellant's statement relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

Mr Dave Shorland

211AL(BPR)

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N	C	SW	SE	APP	IO	REC.
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The Planning Inspectorate

JW

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

Your Ref: PP/03/02526
Our Ref: APP/K5600/A/04/1143590
Date: 7 April 2004

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX**

I am writing to tell you that we **now** propose to hold an inquiry into this appeal at 10.00am on Tuesday 23 November 2004, at a venue to be arranged. This is due to the fact the previous date was refused by Derek Horne And Associates Ltd. We anticipate that the inquiry will last for 1 day.

We allow each party only one refusal of an inquiry date, before we set a date, time and place for the inquiry. If you cannot accept the date offered, you may agree a reasonable alternative with the other party. The availability of the Inspector is a crucial factor in this process. We will let you know whether we can supply an Inspector for any date you agree between yourselves, but this date must meet with our general aim of deciding appeals quickly. Any negotiation of an alternative date must be concluded within one month from the date of this letter.

You can reply to me by telephone or letter. If I do not hear from you by 20 April 2004, I will assume that the proposed inquiry date is acceptable, and that you are not intending to negotiate an alternative inquiry date with the other party.

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

Yours faithfully

C.L. Welding

Miss Carolyn Welding

EX DIR	HDC	TP	CAC	AD	CLU	AC AK
R.B. K.C.		13 APR 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE ^s



The Planning Inspectorate

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

Direct Line 0117-372 8105
Switchboard 0117-372 8000
Fax No 0117-372 8443
GTN 1371-8105
e-mail: peter.rowlstone@pins.gsi.gov.uk
http://www.planning-inspectorate.gov.uk

Derek Horne And Associates Ltd
27 Maiden Lane
Covent Garden
London
WC2E 7JS

Your Ref: DHA/04/04/DRH

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

Date: 01 April 2004

Dear Mr Horne

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX**

I refer to your letter of 4th March.

In your letter you have explained your client's grounds for wishing to have this case conducted by public inquiry. As you will have noted from the appeal form, such events are arranged normally in three circumstances. The local planning authority have expressed the opinion that none of these circumstances apply, suggesting that the case could be dealt with at a hearing.

I have discussed this matter with an experienced Inspector currently working in this office. Having reviewed the material on file, the reasons for refusal and grounds for appeal, the Inspectorate tends to agree with the Council's view that the inquiry process is not suited to or necessary in order for this case to be fully and fairly examined and for an informed decision to be reached by the Inspector. Matters such as you mention in the second paragraph of your letter of 4th March are routinely addressed at hearings (indeed in written representations casework as well) and you will be aware that the appeal, in any event, ultimately falls to be determined on its own merits.

In the circumstances I would be grateful if you would confirm that your client agrees to a hearing. In the event that he does not, I shall require considerably greater justification for arranging an inquiry than is contained in your letter before deciding on a procedure.

Please submit your response to me in writing within 7 days of the date of this letter.

Yours sincerely

PETER ROWLSTONE
Planning Inspectorate
Appeals Administration

EX DIR	HDC	TP	CAC	AD	CLU	AG AK
R.B. K.C.		05 APR 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

35





The Planning Inspectorate

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

Direct Line 0117-372 8105
Switchboard 0117-372 8000
Fax No 0117-372 8443
GTN 1371-8105
e-mail: peter.rowlstone@pins.gsi.gov.uk
<http://www.planning-inspectorate.gov.uk>

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

Your Ref: PP/03/02526

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

Date: 01 April 2004

Dear Ms Gill

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX**

Please find enclosed a copy of my letter to the appellant's agents for your information only.

Yours sincerely

PETER ROWLSTONE
Planning Inspectorate
Appeals Administration

EX DIR	HDC	TP	CAC	AD	CLU	
R.B.	05 APR 2004		PLANNING			
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE



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PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Office of the Deputy Prime Minister,
3/07 KiteWing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-2081

Extension: 2081

Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 14 April 2004

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

ODPM's Reference: App/K5600/A/04/1143590

Please ask for: Rebecca Gill

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 25 Penzance Street, London, W11 4QX

With reference to the Appeal on the above premises, I attach 2 copies of this Council's statement.

Yours faithfully

Michael J. French
Executive Director, Planning and Conservation

Enc.



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- m. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- n. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- o. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- p. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
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- r. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- s. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- t. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- u. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- v. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- w. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- x. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- y. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.
- z. The EDM Group, Britain's leading document management information call 01902 459 907 or visit www.theedmgroup.co.uk.

Appeal form
was rec'd - 4/3/04

And me sent
letter is also
dated 4/3/04.

~~there is no name~~
initials and
rec'd 8/3/04.

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Wade, Jonathan: PC-Plan

From: Salisbury, Hazel: CP-Legal
Sent: 17 March 2004 16:01
To: Wade, Jonathan: PC-Plan
Subject: 25 Penzance Street - Planning Inquiry

Dear Jon,

I have now received a copy of application, delegated report and refusal notice in respect of the above appeal. I don't think we have been offered any dates yet from the planning Inspectorate for the Inquiry.

I hope to instruct Tom Cosgrove as discussed last week but it will depend on his availability once we know the date.

I recall that you mentioned that there are several other properties within the vicinity of the appeal site which have been granted planning permission for similar developments. Please can you provide me with copies of those planning permissions and their delegated or committee reports.

I note we have a meeting scheduled for next Wednesday. I have calculated that the statement of case is due on 15th April. Please note that I am away on leave from 26th March and return on 13th April. I will therefore need to get the papers to Tom next week so he has them in readiness for checking the statement of case in my absence from the office.

Thanks,

Hazel

Hazel Salisbury

Solicitor - Property and Planning

Royal Borough of Kensington & Chelsea

Telephone 0207 361 3370

Fax - 0207 361 2748

(Secretary - Susan Billington - 0207 361 2610)

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Derek Horne and Associates Limited
27 Maiden Lane
Covent Garden
London
WC2E 7JS

Switchboard: 020-7937-5464
Direct Line: 020-7361- 2275
Extension: 2275
Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 18 March 2004

My Ref: DPS/DCN/PP/03/02526/JW
ODPM's Reference: App/K5600/A/04/1143590 Please ask for: Mr.J. Wade

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
Appeal relating to: 25 Penzance Street, London, W11 4QX

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

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



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**THE ROYAL
BOROUGH OF**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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**KENSINGTON
AND CHELSEA**

Date: 18 March 2004

My Ref: DPS/DCN/PP/03/02526/JW
ODPM's Reference: App/K5600/A/04/1143590

Please ask for: Rebecca Gill

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 25 Penzance Street, London, W11 4QX

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

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: GRID REF:

APPEAL BY:

SITE: POSTCODE

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

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

<p>1. Do you agree to the written representations procedure? (An exchange of written statements, which will be studied by the Inspector, prior to visiting the site).</p> <p>if NO, Do you wish to be heard by an Inspector at (a) a local inquiry? or <i>Please see letter dated 11th March.</i> (b) a hearing?</p> <p>Note: If the written procedure is agreed the Inspector will visit the site <u>unaccompanied</u> by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.</p> <p>2a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?</p> <p>b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?</p> <p>If the answer to 2b is YES please explain: <input type="text" value="TO gain access to the rear of the property."/></p> <p>3. Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.</p> <p>4. Does the appeal relate to an application for approval of reserved matters?</p> <p>5. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?</p>	<p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Name <input type="text" value="Rebecca Gile"/> Telephone no. <input type="text" value="02073612081"/></p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA</p>
---	---

6. Did you give publicity to the application?

YES NO

- Article 8 of the GDPO 1995

- Section 67/73 of the Planning (Listed Buildings & Conservation Areas) Act 1990

- Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990

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

YES NO

Please specify which

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

YES NO

9. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?

YES NO

If YES, please attach details and, where necessary, give our reference numbers.

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

YES NO

10. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q12.)

YES NO

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

YES NO

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

YES NO
Grade I / II* / II

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

YES NO

If the answer to question 12a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q14.)

Date of listing

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

YES NO

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

YES NO

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

YES NO

15. Is any part of the site subject to a Tree Preservation Order?

YES NO

If YES, please enclose a plan showing the extent of the Order and any relevant details.

16. a. Is the appeal site in or adjacent to or likely to affect an SSSI?

YES NO

If YES, please attach the comments of English Nature.

b. Are any protected species likely to be affected by the proposals?

YES NO

If YES, please give details.

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

- a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.
- b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?
- c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.

<input type="checkbox"/> YES Sch1	<input checked="" type="checkbox"/> NO Sch2 col 1
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

Number of Documents Enclosed	N/A
	✓
	✓
1	
2	
	✓
✓	
✓	
	✓
Enclosed	To be sent within 6 weeks from start date
	✓

- d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;
- e. Any representations received as a result of an Article 7 (or Regulation 6) notice;
- f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;
- g. Any representations received as a result of a notice published under Article 8 and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);
- h. Details of any other applications or matters you are currently considering relating to the same site;
- i. **For all appeals, including those against non determination, you must provide details of all relevant development plan policies. Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan;** *Extracts from udp Chapters 1-4 (Adopted May 2002)*
- j. Any supplementary planning guidance, together with its status, that you consider necessary; *Extracts from Cons. Area proposal statement*
- k. Any other relevant information or correspondence you consider we should be aware of;
- l. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. **You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.**

18. a. Please include:

- i) a copy of the letter in which you notified people of the appeal;
- ii) a list of the people you notified; and
- iii) the deadline you gave for their comments to be sent to us.

15.4.04

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

- i) representations received from interested parties about the original application;
- ii) the planning officer's report to committee; **DELEGATED**
- iii) any relevant committee minute.

Number of Documents Enclosed	N/A
2	
✓	
	✓

~~19. For appeals dealt with by written representations only~~

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

~~YES NO~~

~~a. In non-determination cases:~~

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

~~b. In all cases:~~

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

~~20. The Mayor of London cases only~~

~~a. Was it necessary to notify the Mayor of London about the application?
If YES, please attach a copy of that notification.~~

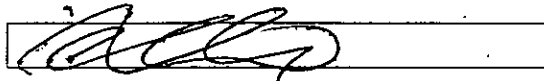
~~YES NO~~

~~b. Did the Mayor of London issue a direction to refuse planning permission?
If YES, please attach a copy of that direction.~~

~~YES NO~~

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

Signature



on behalf of

RBKoC

Council

Date sent to us and the appellant

18th March 2004

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

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Her Majesty's Stationary Office
St Clements House
2-6 Colegate
Norwich NR3 1BQ

The following documents have been sent with the questionnaire.

Site notice - ✓

Delegate/~~committee~~ report -- ✓

Cons area map - Norland Map ✓

Listed building listing -- X

Udp policies - cd 27, 33, 35, 36, 46, 47, 57,
61 + 62.

Conservation area proposal statement -
(page numbers)

1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13,
14, 34, 40, 56, 68, 69, 70.

Other

2 reps.

Letter dated 11th March '04.

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

Switchboard: 020-7937-5464

1 Direct Line: 020-7361-2275

Extension: 2275

Facsimilie:

020-7361-3463

Date: 18 March 2004

My Ref: DPS/DCN/PP/03/02526 Please ask for: Mr.J. WadeODPM's Reference: App/K5600/A/04/1143590

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990**Notice of a Planning Appeal relating to: 25 Penzance Street, London, W11 4QX****Appellant: Professor P.J. Ciclitira, Agent: Derek Horne and Associates Limited**

A Planning Appeal has been made to the Planning Inspectorate in respect of the above property. The appeal is against the Council's decision to refuse planning permission for: **Erection of second floor rear extension with roof terrace.**

This appeal may be heard at an informal hearing or public inquiry which you may attend and, at the discretion of the Inspector, make representations. In the meantime, any representations you wish to make in writing should be sent to: **The Planning Inspectorate, Room 3/07, Kite Wing, Temple Quay Hse, 2 The Square, Temple Quay, Bristol BS1 6PN.** Please note that any representations already made at application stage will be forwarded to the Inspectorate.

Please send 3 copies, quoting the ODPM's reference given above, and indicate if you wish to speak. **The Inspectorate must receive your representations by 15/04/2004 for them to be taken into account.** Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Inspector dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

The Council's reasons for refusal and the Appellant's grounds of appeal may be inspected in the Planning Information Office at the Town Hall. When this department receives further details regarding the date and procedure by which the appeal will be heard, we will write to you again. If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully**M. J. FRENCH****Executive Director, Planning and Conservation****INVESTOR IN PEOPLE**

APPEAL NOTIFICATIONS

Re 25 Penzance Street, London, W11 4QX

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

WARD COUNCILLORS:

- 1. Cllr David Lindsay
- 2. Cllr Ernest P. Tomlin.
- 3. Cllr Richard Walker - Arnott..

KENSINGTON SOCIETY

Mrs. Ethne Rudd, 15 Kensington Square, W8 5HH

CHELSEA SOCIETY (Mr. Terence Bendixson, 39 Elm Park Gardens, London, SW10 9QF)

RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

- 1.
- 2.
- 3.

ALL 3RD PARTIES ORIGINALLY NOTIFIED

ALL OBJECTORS/SUPPORTERS

STATUTORY BODIES ORIGINALLY NOTIFIED

ENGLISH HERITAGE

OTHERS

NEW APPEAL

DATE: 08/03/2004

TO: Mr. D. Taylor

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

25 Penzance Street, London, W11 4QX

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

JW

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

• WRITTEN REPRESENTATIONS

• HEARING

• PUBLIC INQUIRY

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

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

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

THANK YOU

PRE-INFORMAL HEARING/PUBLIC INQUIRY MEETING

TO: Derek Taylor OUR REF: PP/03/02526

ADDRESS: 25 Penzance Street, Mill

WHO DO YOU WISH TO BE PRESENT AT THE CASE CONFERENCE?

24/3 @
11.30am.

1. JW (CASE OFFICER)
2. Hazel (LEGAL)
3. _____ (POLICY)
4. _____ (DESIGN)
5. _____ (TRAFFIC)
6. DT (APO)
7. _____
8. _____
9. _____

PLEASE RETURN THIS TO _____

To: Policy, Transportation,
Conservation & Design

From: Lesley Jones
Date: 08 March 2004

NEW APPEAL
ADVANCE WARNING

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

ADDRESS: 25 Penzance Street, London, W11 4QX

OUR REF: PP/03/02526 ODPM REF: App/K5600/A/04

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

TYPE OF APPEAL: Refusal of Permission

REASONS FOR REFUSAL: See attached sheet

D.C. CASE OFFICER: Mr.J. Wade **D.C. AREA:** North Area Team

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

- | | |
|----------------------------------|--|
| <input type="checkbox"/> Design | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Policy | <input type="checkbox"/> R & I |
| <input type="checkbox"/> Trees | <input type="checkbox"/> Environmental Health - Noise (Ian Hooper) |
| <input type="checkbox"/> Housing | <input type="checkbox"/> Housing (Stanley Logan) |

Please contact the Case Officer for further details.

Thank you.

Lesley Jones
Head of Development Control

REASON(S) FOR REFUSAL:

1. The proposed extension at second floor level by reason of its design, bulk and location is not considered to be a subservient feature on the host property and when combined with existing extensions would result in an overdevelopment of the site which would be detrimental to the character and appearance of the property, the terrace and the Norland Conservation Area. On this basis it is considered contrary to Policies contained within the Design and Conservation chapter of the Unitary Development Plan in particular Policies CD27, CD47, CD57, CD61 and CD62.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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

Switchboard: 020 7937 5464
Extension: 2275
Direct Line: 020 7361 2275
Facsimile: 020 7361 3463
Web: www.rbkc.gov.uk

11 March 2004

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DN/PP/03/
02526

Your reference:

Please ask for: Mr. J. Wade

Dear Mr. Shorland,

Re: Town and Country Planning Act 1990
Appeal by Professor P. J. Ciclitira against the Refusal of a
Second Floor Rear Extension with Roof Terrace at
25 Penzance Street, London, W11 4QX (Ref. APP/K5600/A/04/1143590)

Further to the notification for a planning appeal which was received by the Royal Borough on Thursday 4th March and the appeal start letter dated the same day, received on 8th March 2004, I note that the Council has not been given an opportunity in this case to comment on the type of appeal which has been chosen. I therefore trust that this letter will be given due consideration and weight before a final decision is made.

The type of appeal chosen by the appellants is a Public Local Inquiry. This appears to have been accepted by the Inspectorate, but it is not clear why as the case is not complex or unduly controversial. It has not raised a lot of local interest and is simply for a residential extension at second floor level. On this basis, it is considered that a Public Local Inquiry would be very costly both in terms of time and resources. An informal hearing or written representations would be the preferred method.

An informal hearing would permit all the issues to be discussed in depth and would allow the appellants ample opportunity to discuss the merits of the proposal. I would therefore request that the chosen procedure is reviewed as a matter of urgency. If a Public Local Inquiry is allowed to proceed, I would be pleased to receive the Inspectorate's reasons as to why it is considered the most appropriate procedure in this case.

I look forward to hearing from you in the near future. If you have any queries, please contact my officer, Mr. Wade (020 7361 2275).

Yours sincerely,

M. J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION



INVESTOR IN PEOPLE



The Planning Inspectorate

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

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

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

Your Ref: PP/03/02526
Our Ref: APP/K5600/A/04/1143590
Date: 4 March 2004

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	08 MAR 2004			PLANNING		
N	C	SW	SE	APP	IO	REC
				ARG	FPLN	DES
						FEE

48

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

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

The appellant has asked for an inquiry, which we are arranging. The date of this letter is the starting date for this appeal.

The following documents must be submitted within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

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

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

Within 6 weeks from the starting date -

You and the appellant must submit 2 copies of any statement to me. I will send a copy of your statement to the appellant and send you a copy of their statement. You and the appellant must send a copy of your statements to any statutory parties.

I will send you and the appellant a copy of any comments submitted by interested parties.

Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

No later than 4 weeks before the inquiry -

You and the appellant must submit 2 copies of your proofs of evidence (and summary, where appropriate) to me. The appellant must also submit a copy of the statement of common ground.

You **must keep to the timetable** set out above and ensure that your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. As I have given details of the timetable, I will not send you reminders.

Withdrawing the appeal

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

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

Yours faithfully



Mr Dave Shorland

301(BPR)

Questionnaire

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

Statement of case

In your statement of case you will need to give full details of the case you will put forward at the inquiry. You must include a list of any documents, including maps and plans, to which you intend to refer or use in evidence.

Statement of common ground

In the statement of common ground you should list all agreed matters. You and the appellant are expected to meet in advance of the inquiry, to agree the statement of common ground. This should include basic facts such as the site description, area, planning history, relevant planning policies, and as many other matters relating to the appeal as possible. The Inspector may question the information in the statement. A guide to the Statement of Common Ground is in Annex 3(ii) of DETR Circular 05/2000.. A model form is enclosed and is also available on our website.

Proofs of evidence

A 'proof of evidence' is a written statement that you, the appellant or witness wants the Inspector to take into account at the inquiry. If the proof is more than 1500 words long, you must also send me 2 copies of a written summary which should not be more than 10% of the length of the proof. The summary should reflect the contents of the proof and should not include new evidence. Where a summary is provided only that will be read at the inquiry. If proofs and summaries are not received together and on time, the inquiry may be postponed.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the application or appeal. You must give details of any statutory parties at application stage in reply to question 17e of the questionnaire. I will tell you about any statutory parties at appeal stage, before your statement of case is due.

Late Representations

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

Inquiry opening statements

Both main parties may give opening statements before presenting formal evidence. They should be no longer than 5-15 minutes maximum. The Inspector will decide the order of presentation of opening statements and evidence, but usually the appellant will be asked to make a brief opening statement first, to set the scene and describe the nature of the scheme.

The LPA will then make their opening statement before moving on to present their formal evidence.

Costs

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

Planning obligations - Section 106 agreements

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

If you intend to rely on an obligation, a final draft must be submitted ten working days before the inquiry opens.

Obligations should be completed by the close of an inquiry. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

STATEMENT OF COMMON GROUND

APPEAL REFERENCE:

DATE OF INQUIRY:

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

APPELLANT

LPA

This statement addresses the following areas of common ground:

1. Description of the site (including agreed dimensions)
2. Description of the area
3. Planning history of site
4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).
5. Relevance of any supplementary planning guidance published by LPA.
6. Others: *[eg where applicable, agreed traffic (and/or other) data and circumstances]*

It will be helpful also to identify matters which are the subject of specific disagreement.

Enter text of common grounds
(Please sign the boxes at the end)

Please turn over

[Large empty rectangular area for text or signatures]

Signed on behalf of Appellant	Signed on behalf of LPA
.....Date.....Date.....
Position.....	Position.....

Please continue on separate sheet(s) if necessary (sign at end)

DEREK HORNE ASSOCIATES

CHARTERED TOWN PLANNERS

27 Maiden Lane, Covent Garden, London WC2E 7JS
Telephone: 020 7497 0855 Fax: 020 7497 0988
Email: derek@horneassociates.com Web: www.horneassociates.com

Our Ref: **DHA/04/08/DRH**
Your Ref: **PP/03/02526**

3rd March 2004

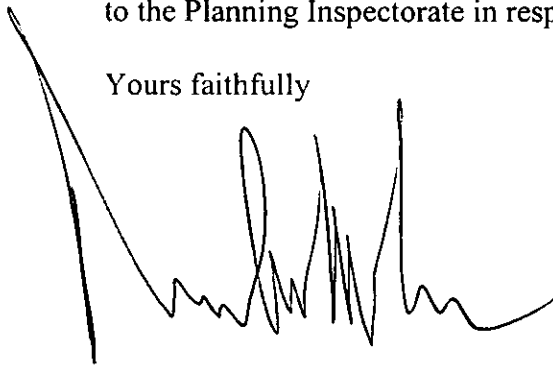
Director of Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London
W8 7NX

Dear Sirs

Planning appeal on behalf of Professor Paul J Ciclitira against the refusal of the Royal Borough of Kensington and Chelsea to grant planning permission for the erection of a second floor rear extension at 25 Penzance Street, London, W11 4QX

Please find enclosed herewith copy of a letter of enclosure and appeal form sent today to the Planning Inspectorate in respect of the above, for your records.

Yours faithfully



DEREK R HORNE

cc: Mr James Pereira
Professor Paul J Ciclitira
Mr John Langley

EX DIR	HDC	TP	CAC	AD	CLU	AG AR
R.B. K.C.	04 MAR 2004			PLANNING	51	
N	C	SW	SE	ARB	IO	REC
			ARB	FPLN	DES	FEE

DEREK HORNE ASSOCIATES

CHARTERED TOWN PLANNERS

27 Maiden Lane, Covent Garden, London WC2E 7JS
Telephone: 020 7497 0855 Fax: 020 7497 0988
Email: derek@horneassociates.com Web: www.horneassociates.com

Our Ref: **DHA/04/08/DRH**

3rd March 2004

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

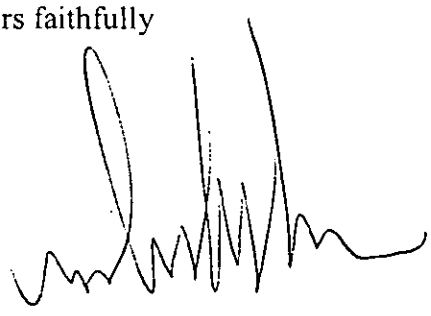
Dear Sirs

Planning appeal on behalf of Professor Paul J Ciclitira against the refusal of the Royal Borough of Kensington and Chelsea to grant planning permission for the erection of a second floor rear extension at 25 Penzance Street, London, W11 4QX

Please find enclosed herewith an appeal in respect of the above, for your kind attention.

A copy of this letter and the appeal form has been forwarded to the Council.

Yours faithfully



DEREK R HORNE

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		04 MAR 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEEB

cc: Mr James Pereira
Professor Paul J Ciclitira
Mr John Langley
Royal Borough of Kensington and Chelsea ✓

PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

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

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

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

Please print clearly in capitals using black ink

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	PROFESSOR PAUL J CICLITIRA		
Address	25 PENZANCE STREET	Daytime phone no	
	LONDON	Fax no	
Postcode	W11 4QX	E-mail address	

B. AGENT DETAILS FOR THE APPEAL (if any)

Name	DEREK HORNE AND ASSOCIATES LIMITED		
Address	27 MAIDEN LANE	Your reference	DHA/04/04/DRH
	COVENT GARDEN	Daytime phone no	0207 497 0855
	LONDON	Fax no	0207 497 0988
Postcode	WC2E 7JS	E-mail address	derek@horneassociates.com

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA	ROYAL BOROUGH OF KENSINGTON AND CHELSEA
LPA's application reference no.	PP/03/02526
Date of the planning application	2.12.03
Date of LPA's decision notice (if issued)	25.01.04

D. APPEAL SITE ADDRESS

D

Address

25 PENZANCE STREET

LONDON

Postcode

W11 4QX

Note: Failure to provide the full postcode may delay the processing of your appeal.

Is the appeal site within a Green Belt?

YES NO

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site (in hectares)

174.4 square metres

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

18 square metres

Has the description of the development changed from that stated on the application form?

YES NO

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick one box only

1. Refuse planning permission for the development described on the application form or in Section E.
2. Grant planning permission for the development subject to conditions to which you object.
3. Refuse approval of the matters reserved under an outline planning permission.
4. Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

or

6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

G. CHOICE OF PROCEDURE

G

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

Please note that when we decide how the appeal will proceed we will take into account the LPA's views

Please tick ✓

1. WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?

YES

NO

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts?

YES

NO

If the answer to 1b is 'yes' please explain

2(a). HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

(b) INQUIRIES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are needed for appeals that:

- are complex and unduly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

H

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

Refer to our booklet 'Making your planning appeal'; for help

Please continue on a separate sheet if necessary.

1. THE PROPOSED DEVELOPMENT IS DESIGNED TO A HIGH STANDARD OF DESIGN AND IS SENSITIVE TO AND COMPATIBLE WITH THE SCALE, HEIGHT, BULK AND MATERIALS OF THE EXISTING TERRACE OF WHICH IT FORMS PART.
2. THE PROPOSED EXTENSION IS DESIGNED TO BE VISUALLY SUBORDINATE TO THE TERRACED HOUSE OF WHICH IT FORMS PART. IT WOULD NOT RISE ABOVE THE GENERAL HEIGHT OF NEIGHBOURING AND NEARBY EXTENSIONS NOR ABOVE THE ORIGINAL MAIN EAVES OR PARAPET NOR WOULD IT EXTEND REARWARDS BEYOND THE EXISTING GENERAL REAR BUILDING LINE OF ANY NEIGHBOURING EXTENSION.
3. THE PROPOSED EXTENSION WOULD NOT RESULT IN AN OVERDEVELOPMENT OF THE SITE AND WOULD NOT BE DETRIMENTAL TO THE CHARACTER AND APPEARANCE OF THE PROPERTY, THE TERRACE OR THE NORLAND CONSERVATION AREA.
4. THE PROPOSED EXTENSION HAS BEEN CAREFULLY DESIGNED TO ENSURE THAT IT DOES NOT HARM THE AMENITIES OF ADJOINING RESIDENTIAL PROPERTIES.
5. FOR THE ABOVE REASONS IT IS CONSIDERED THE PROPOSALS COMPLY WITH THE PROVISIONS OF POLICIES CD27, CD47, CD57, CD61 AND CD62 OF THE ADOPTED UNITARY DEVELOPMENT PLAN.

H. GROUNDS OF APPEAL (continued)

H

I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**

Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick one box only

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates:

OR

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

CERTIFICATES C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenants name'.**

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

OR

(b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

Tenant's name	Address at which the notice was served	Date the notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

J. ESSENTIAL SUPPORTING DOCUMENTS

J

The documents listed in 1-6 below, must be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

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

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

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

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

PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

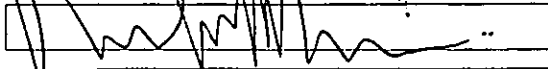
K. PLEASE SIGN BELOW

K

(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

1. I confirm that I have sent a copy of this appeal form and relevant documents to the LPA (if you do not your appeal will not normally be accepted).
2. I confirm that all sections have been fully completed and that the details of the ownership (section I) are correct to the best of my knowledge.

Signature



(on behalf of)

PROF PAUL J CICLITIRA

Name (in capitals)

DEREK R HORNE

Date

3rd MARCH 2004

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND

• **1 COPY to us at:**

The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 6PN

• **1 COPY to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

• **1 COPY for you to keep**

When we receive your appeal form, we will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

If information or representations are sent late we may disregard them. They will not be seen by the Inspector but will be sent back to you.

- 4) Tell you about the arrangements for the site visit, hearing or inquiry.

At the end of the appeal process, the Inspector will give the decision, and the reasons for it, in writing.

Published by The Planning Inspectorate June 2003

Printed in the UK June 2003 on paper comprising 100% post-consumer waste.

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The Copyright Unit
Her Majesty's Stationary Office
St Clements House
2-6 Colegate
Norwich NR3 1BQ

① Ash ② JW

h

SA.

27 PENZANCE STREET

LONDON W11 4QX

020 7603 8360

EX DIR	HDC	TP	CAC	AD	CLU	AS AK
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R.B. K.C.	29 DEC 2003	PLANNING
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N	C	SW	SE	APP	IQ	REC
			ARB	FPLN	DES	FEEB

35

18th December
18 October 2003

Dear Sirs,

Ref DPS / DCU / PP / 03 / 02526 / JW

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

I am writing to object to the proposed addition of a new extension at second floor level to the rear of the building.

My objections remain the same as the last time that permission was sought and denied. Namely that we will be overlooked, particularly into

The master bedroom and will suffer a loss of privacy and possibly of sunlight.

In addition I feel that there has been sufficient development in the area and the character of these unusual houses should be preserved.

I trust that you will continue to deny permission for this proposal.

Yours sincerely

David Astor

① Ark
② JW

26 Penzance Street
London W11 4QX

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

Jn
S/I.

23 December 2003

Dear Sir

Your ref: **DPS/DCN/PP/03/02526/JW**
Proposed development at 25 Penzance Street, W11 4QX


I am writing in connection with the above application to add an extension at second floor level. I am the owner and occupier of the adjoining house.

You will be aware that there have been two previous applications for permission to build such an extension, both of which have been refused. The first application was made in June 2001 and I attach a copy of the letter I wrote to you on 7 July ²⁰⁰¹. This sets out issues which I believe are still relevant. I was then persuaded to make a joint application with my neighbour for extensions to both houses. This was refused in March 2002.

My main objections are that the wide outlook from the back of my house would be reduced and much of it replaced by an overbearing brick wall, and that the terrace area at the back of the extension would overlook my garden and reduce my privacy.

I hope you will take into account the adverse effect on my property when considering this application.

Yours faithfully



Mrs H A Farley

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	29 DEC 2003				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

26 Penzance Street
London W11 4QX

Arh
JW

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

7 July 2001

Attention: Mr Andrew Paterson

Dear Sir

Your ref: DPS/DCN/PP/01/01349/AP
25 Penzance Street, London W11 4QX

Thank you for your letter of 21 June informing me of the proposed development at the above property. I am the owner and occupier of the adjoining house. I have no comments to make about the ground floor extension or the internal rearrangements.

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 my 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.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	29 DEC 2003			PLANNING		
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(12)

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 could 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.

Yours faithfully

Mrs H A Farley



The Planning Inspectorate

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

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

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

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

Your Ref: PP/03/02526
Our Ref: APP/K5600/A/04/1143590
Date: 28 September 2004

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX

EX	HDC	TP	C&C	AD	CLU	AO
DIR						AK
R.B.		30 SEP 2004			PLANNING	
K.C.						
N	C	S/W	SE	APP	IO	REC
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(57)

Here is a copy of the site notice giving the inquiry details. The inquiry is scheduled to last 1 day. Please let me know within 5 working days, if you think more time is needed.

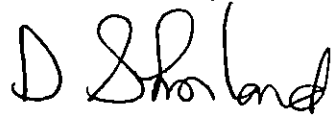
Please tell the owners and occupiers of property near the site of the inquiry details immediately. You should also tell others you consider to be affected by or interested in the proposed development, including any persons or bodies who made representations at application stage. Your letter should cover:

- the location of the site and a description of the appeal proposals;
- a clear statement of the date, time and place of the inquiry and of the powers enabling the Inspector, or the Secretary of State, to determine the appeal;
- where your and the appellant's statements, proofs of evidence, summaries and statement of common ground can be seen;
- that they can go to the inquiry. If they wish to speak they must be there when it opens;
- what facilities are available for people with disabilities e.g. parking spaces, access and seating arrangements;
- that we will send a copy of the Inspector's decision to those who ask for one in writing.

The press should be informed of inquiries.

We aim to issue decision letters within 7 weeks of the close of a one or two day inquiry. If there is likely to be a significant delay, we will let you know.

Yours faithfully

A handwritten signature in black ink, appearing to read "D Shorland". The signature is written in a cursive style with a large initial "D".

Mr Dave Shorland

311(BPR)

TOWN AND COUNTRY PLANNING ACT 1990

PUBLIC INQUIRY

At

The Town Hall, Hornton Street, Kensington,

On Tuesday, 23 November 2004 at 10:00

REASON FOR INQUIRY

Appeal by Professor P J Ciclitira

Relating to the application to Kensington and Chelsea R B C for the

Erection of a second floor rear extension with roof terrace

AT 25 Penzance St, London, London

An Inspector appointed by the First Secretary of State under paragraph 1(1) of schedule 6 to the Town and Country Planning Act 1990 will attend at the place, date and time shown above to decide the appeal.

Members of the public may attend the inquiry and, at the Inspector's discretion, express their views. If you, or anyone you know has a disability and is concerned about facilities at the inquiry venue, you should contact the council to confirm that suitable provisions are in place. Documents relating to the appeal(s) can be viewed at the Council's offices by prior arrangements.

Planning Inspectorate Reference: APP/K5600/A/04/1143590

Contact point at the Planning Inspectorate: Mr Dave Shorland, 3/07 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN Tel: 0117-3728930.

320(BPR)





**ROYAL BOROUGH OF KENSINGTON & CHELSEA - LEGAL SERVICES
FILE ATTENDANCE NOTE**

Form 7.1/1002

Attendance Type:

Tel. In Tel. Out Meeting x File Work Court
Other:

Date & time of attendance:

24th March 2004

File number/file name:

25 Penzance Street
10031753

Attendance with (name/s):

Derek Taylor
Jon Wade

Details: (including duration of attendance if appropriate)

We had a meeting to discuss the appeal on 25 Penzance Street. We went through the reasons for refusal which are design, bulk and location. We discussed the fact that design is secondary because even if the design was ok then the bulk and location of the proposed extension would be enough to refuse planning permission. Jon Wade said that the same site had been subject to refusal last year and HS requested copies of all planning permissions in relation to the site and the surroundings. The main issue is that this extension is too big. The main problem with this appeal that there are other extensions in the terrace and HS said we needed to go through the history to the others at 24, 25 and 27 Penzance Street in readiness for the Inquiry. Jon Wade said that some of the extensions were granted in 1986.

DT said that the scale of the extension doesn't respect the guidelines set out in the criteria in the UDP policy because the width and height in comparison to the parent building is out of scale and is not subservient to the parent building.

The difficulty will be is how we approved the others in 1986 and how this will be dealt with in the Inquiry because the appellants will say that we considered it acceptable in 1986 so why is not acceptable now. This will be their strongest point. HS queried whether or not the policies 18 years ago were any different to the policies at the present time. DT thought that they may not be that different but we need to dig out the reasons for the 1986 approvals and the policies at that time. Jon Wade did not think that there was a record for 24 Penzance Street but we have to accept that these extensions are there. The mere fact that these extensions are there does not mean that they were good planning decisions. It is acknowledged that very careful arguments will be needed at the planning inquiry and a decision be taken on the line of argument to be taken. We do not think there will be a problem in arguing that the proposal is too big.

What is the character of this part of the conservation area?

The character is that it consists of a small Victorian residential properties which are part of the character of the conservation area. The existing extensions compromise that character and are negative factors and therefore their existence does not justify additions of further negative extensions.

Design

Is there anything wrong with the design?

We will probably have to acknowledge that the design is ok but that there is an impact of the design upon the whole unit. We agreed that if we are struggling with the design point then we need to say from the start in order to concentrate on bulk and massing of the development.

We also discussed the impact of the side window and whether or not this was a design point. JW said that it certainly has an impact on residential amenity and there is some sense of enclosure and loss of daylight but these were not included in the reason for refusal. We would probably be better mentioning this at the Planning Inquiry because this will add to the weaknesses but we cant add it to the reason for refusal.

JW pointed out that we had concerns about residential amenity but it is not sufficient to refuse. We said that there are valid concerns in amenity terms but the Planning Inspector may decide to take this as a reason in its own right without it being a reason for refusal by the local planning authority.

Witnesses

Jon Wade will be the sole witness but the Appellants will probably go to town and have several witnesses although we do not have an indication at the present time. HS said we need at least one to two days if this is the case because it is very rare for an Inquiry to finish within one day.

The Statement of Common Ground should include any conditions which can be agreed in advance.

One of the neighbouring objectors say that we refused a similar extension at number 22 in 2000 so we need to get that decision letter out.

The appellant has four grounds of appeal.

We agreed to instruct Tom Cosgrove of 2-3 Grays Inn Square and they will arrange for a conference for late April.

Initials: HS

Date: 25/03/04



DEREK HORNE & ASSOCIATES
C H A R T E R E D T O W N P L A N N E R S

To: Mr Jonathan Wade

Date: 25th October 2004

Company: Royal Borough of Kensington & Chelsea

Time: 5.00 p.m.

From: Mr Gavin Gallagher

No of Pages: 3
 (including cover page)

DHA FILE REFERENCE: DHA/04/08/GG

Fax No: 0207 361 3463

Dear Mr Wade

Statement of Common Ground – 25 Penzance Street

Please find attached herewith a copy of the amended Statement of Common Ground for the above site which takes account of all of the points you raised during our telephone conversation earlier today.

Kind regards

Yours sincerely

GAVIN GALLAGHER

EX DIR	HDC	TF	C-C	AD	CLU	AO AK
R.B.	25 OCT 2004				PLANNING	
K.C.						
N	C	S.	SE	APP	IO	REC
HBS			ARE	FPLN	DES	FEEES

STATEMENT OF COMMON GROUND**APPEAL REFERENCE:**

APP/K5600/A/04/1145590

DATE OF INQUIRY:

23.11.04

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

25 PENZANCE STREET, LONDON, W11 4QX

APPELLANT

PROFESSOR PAUL J CICLITIRA

LPA

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

This statement addresses the following areas of common ground:

1. Description of the site (including agreed dimensions)
2. Description of the area
3. Planning history of site
4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).
5. Relevance of any supplementary planning guidance published by LPA.
6. Others: (eg where applicable, agreed traffic (and/or other) data and circumstances)

It will be helpful also to identify matters which are the subject of specific disagreement.

Enter text of common ground

(Please sign the boxes at the end)

1. Description of the Site

The appeal site measures approximately 174.4 square metres and is located on the south side of Penzance Street. There are only obstructed views and partial views of the proposed rear extension to No 25 Penzance Street from any public viewpoint. Private views of the rear of the appeal site can be gained from the occupiers of Princes Place (the flats to the rear of the site) and from the rear of the adjoining terrace properties.

2. Description of the Area

The appeal site forms part of a Victorian terrace^{of} similar three storey gabled houses comprising Nos 22-28 Penzance Street within a much longer terrace containing different architectural styles of different ages. The appeal site is located within the Norland Conservation Area, however none of the terrace comprising Nos 22-28 Penzance Street are listed buildings. Modern developments are located to the north (front) and south (rear) of the appeal site. There is a high brick wall and access road located between the rear (south), the appeal site and Princes Place.

3. Planning History of the Site and Surrounding Properties

A Certificate of Lawfulness of Proposed Development was granted for the erection of a single storey side extension to the rear ground floor of No 25 Penzance Street, which has been constructed.

Two planning applications seeking the erection of a second floor rear extension to No 25 Penzance Street have been refused (local authority references PP/01/01349 and PP/02/00194).

Extensions similar in scale, height and design to the development the subject of this appeal have been constructed to the rear of Nos 23, 24 and 27 Penzance Street. The extensions to Nos 23 and 27 were granted planning permission by local authority references TP/86/1356 and TP/86/0172 respectively. The Council do not hold a planning record of the two storey rear extension to No 24 Penzance Street. It has not been the subject of any enforcement action.

Planning application local authority reference PP/00/1863 for a rear extension at second floor level with roof terrace to No 22 Penzance Street was refused. in December 2000.

4. Development Plan

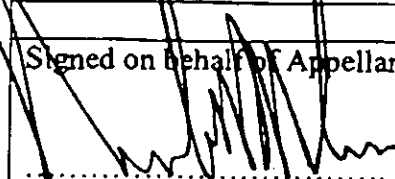
The London Plan, Spatial Development Strategy for Greater London was adopted in February 2004 and replaces RPG3.

The Unitary Development Plan for the Royal Borough of Kensington and Chelsea was adopted 25th May 2002.

5. Supplementary Planning Guidance

Norland Conservation Area Policy Statement published September 1982.

- 6. It is agreed that the proposed extension would not cause unacceptable harm to the amenities of adjoining properties by way of overlooking and loss of daylight.
- 7. The matter which is the subject of specific disagreement is whether the proposed development in terms of its height, location, scale and appearance would preserve or enhance the character and appearance of the Conservation Area.

Signed on behalf of Appellant	Signed on behalf of LPA
 Date ^H 25 00/10/04	 Date
Position <u>ACEM</u>	Position

STATEMENT OF COMMON GROUND

APPEAL REFERENCE:

APP/K5600/A/04/1145590

DATE OF INQUIRY:

23.11.04

SITE ADDRESS AND DESCRIPTION OF THE DEVELOPMENT:

25 PENZANCE STREET, LONDON, W11 4QX

APPELLANT

PROFESSOR PAUL J CICLITIRA

LPA

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

This statement addresses the following areas of common ground:

1. Description of the site (including agreed dimensions)
2. Description of the area
3. Planning history of site
4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).
5. Relevance of any supplementary planning guidance published by LPA.
6. Others: (eg where applicable, agreed traffic (and/or other) data and circumstances)

It will be helpful also to identify matters which are the subject of specific disagreement.

Enter text of common ground

(Please sign the boxes at the end)

1. Description of the Site

The appeal site measures approximately 174.4 square metres and is located on the south side of Penzance Street. There are no clear unobstructed views of the proposed rear extension to No 25 Penzance Street from any public viewpoint. Oblique private views of the rear of the appeal site can be gained from the occupiers of Princes Place (the flats to the rear of the site) and from the rear of the adjoining terrace properties.

2. Description of the Area

The appeal site forms part of a terrace of three storey ~~gabled~~ houses comprising Nos 22-28 Penzance Street within a much longer terrace containing different architectural styles of different ages. The appeal site is located within the Norland Conservation Area, however none of the terrace comprising Nos 22-28 Penzance Street are listed buildings. Modern developments are located to the north (front) and south (rear) of the appeal site. There is a high brick wall and access road located between the rear (south), the appeal site and Princes Place.

3. Planning History of the Site and Surrounding Properties

A Certificate of Lawfulness of Proposed Development was granted for the erection of a single storey side extension to the rear ground floor of No 25 Penzance Street, which has been constructed.

Two planning applications seeking the erection of a second floor rear extension to No 25 Penzance Street have been refused (local authority references PP/01/01349 and PP/02/00194).

- No. 22 refusal

Extensions similar in scale, height and design to the development the subject of this appeal have been constructed to the rear of Nos 23, 24 and 27 Penzance Street. The extensions to Nos 23 and 27 were granted planning permission by local authority references TP/86/1356 and TP/86/0172 respectively. The Council do not hold a planning record of the two storey rear extension to No 24 Penzance Street, nor have they provided evidence that this issue was the subject of enforcement action by the Council.

- ?

4. Development Plan

The London Plan, Spatial Development Strategy for Greater London was adopted in February 2004 and replaces RPG3.

The Unitary Development Plan for the Royal Borough of Kensington and Chelsea was adopted 25th May 2002.

5. Supplementary Planning Guidance

Norland Conservation Area Policy Statement ^{*published in*} ~~adopted~~ September 1982.

unacceptable

6. It is agreed that the proposed extension would not cause harm to the amenities of adjoining properties by way of overlooking and loss of daylight. *(see paragraph)*
7. The matter which is the subject of specific disagreement is whether the proposed development in terms of its height, location, design, scale and appearance would preserve or enhance the character and appearance of the Conservation Area.

detailed matters of design

Signed on behalf of Appellant	Signed on behalf of LPA
..... Date Date
Position	Position

Please continue on separate sheet(s) if necessary (sign at end)



The Planning Inspectorate

3/23 Hawk Wing
Temple Quay House
2 The Square
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Bristol BS1 6PN
<http://www.planning-inspectorate.gov.uk>

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Fax No 0117-3728804
GTN 1371-8098

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

Your Ref: PP/03/02526
Our Ref: APP/K5600/A/04/1143590
Date: 29 March 2004

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	3 1 MAR 2004				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY PROFESSOR P J CICLITIRA
SITE AT 25 PENZANCE ST, LONDON, LONDON, W11 4QX

I am writing to tell you that we propose to hold an inquiry into this appeal at 10.00am on Tuesday 16 November 2004, at a venue to be arranged. We anticipate that the inquiry will last for 1 day.

We allow each party only one refusal of an inquiry date, before we set a date, time and place for the inquiry. If you cannot accept the date offered, you may agree a reasonable alternative with the other party. The availability of the Inspector is a crucial factor in this process. We will let you know whether we can supply an Inspector for any date you agree between yourselves, but this date must meet with our general aim of deciding appeals quickly. Any negotiation of an alternative date must be concluded within one month from the date of this letter.

You can reply to me by telephone or letter. If I do not hear from you by 7 April 2004, I will assume that the proposed inquiry date is acceptable, and that you are not intending to negotiate an alternative inquiry date with the other party.

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

Yours faithfully

Miss Carolyn Welding

NB: Only correspondence concerning the inquiry date (and venue) should be addressed to the above room. All other correspondence should be addressed to the case officer mentioned in the initial letter.

DEREK HORNE ASSOCIATES
CHARTERED TOWN PLANNERS

27 Maiden Lane, Covent Garden, London WC2E 7JS
Telephone: 020 7497 0855 Fax: 020 7497 0988
Email: derek@horneassociates.com Web: www.horneassociates.com

JW

LB

ya

31/3

Our Ref: **DHA/04/08/DRH**
Your Ref: **PP/03/02526**

31st March 2004

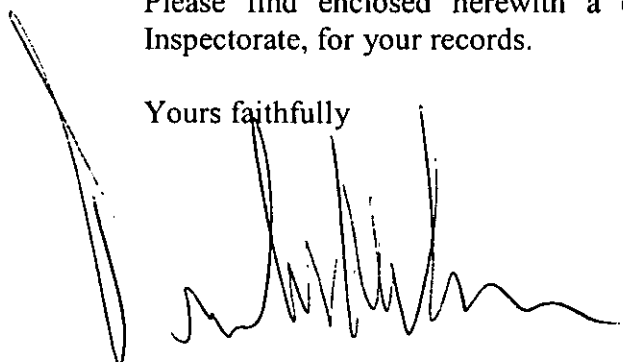
Director of Planning and Conservation
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London
W8 7NX

Dear Sir

Town and Country Planning Act 1990
Appeal by Professor P J Ciclitira
Site at 25 Penzance Street, London, W11 4QX

Please find enclosed herewith a copy of a letter sent today to the Planning Inspectorate, for your records.

Yours faithfully



DEREK R HORNE

cc: Mr James Pereira
Professor P J Ciclitira
Mr John Langley

4)

EX DIR	HDC	TP	CAC	AD	CLU	ML	AK
R.B.	31 MAR 2004		PLANNING				
K.C.							
N	C	SW	SE	APP	IO	REC	
				ARB	FPLN	DES	FEE

DEREK HORNE ASSOCIATES
CHARTERED TOWN PLANNERS

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Email: derek@horneassociates.com Web: www.horneassociates.com

Our Ref: **DHA/04/08/DRH**
Your Ref: **APP/K5600/A/04/1143590**

31st March 2004

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

For the attention of Mr Dave Shorland

Dear Sirs

Town and Country Planning Act 1990
Appeal by Professor P J Ciclitira
Site at 25 Penzance Street, London, W11 4QX

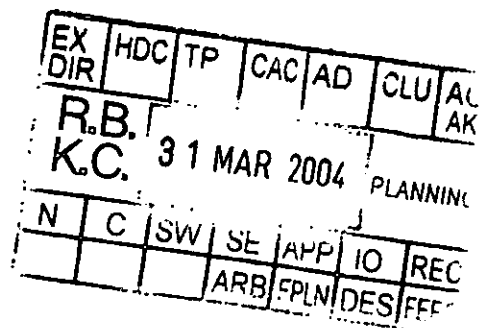
Please find enclosed herewith two copies of the Rule 6 Statement in connection with the above appeal.

I confirm that a copy of this letter has been sent today to the local planning authority.

Yours faithfully



DEREK R HORNE



cc: Mr James Pereira
Professor P J Ciclitira
Mr John Langley
Royal Borough of Kensington and Chelsea