

## **Other Documents**

**Please Index As**

**File Number**

**Part 1**

**Part 10**

**Part 2**

**Part 11**

**Part 3**

**Part 12**

**Part 4**

**Part 13**

**Part 5**

**Part 14**

**Part 6**

**Part 15**

**Part 7**

**Part 16**

**Part 8**

**Part 17**

**Part 9**

**Part 18**

# PLANNING SERVICES APPLICATION

## CONSULTATION SHEET

### APPLICANT:

Thorne and Thorne - Architect,  
The Studio,  
18 St. Peter's Square,  
Hammersmith,  
London W6 9AJ

APPLICATION NO: PP/01/01380

APPLICATION DATED: 17/06/2001

DATE ACKNOWLEDGED: 22 June 2001

APPLICATION COMPLETE: 21/06/2001

DATE TO BE DECIDED BY: 16/08/2001

SITE: 22 Limerston Street, London, SW10 0HH

PROPOSAL: Works including removal of existing roof over existing main rear extension and the upward building of the perimeter walls to form a new external roof terrace area at rear second floor level to be accessed by a new access enclosure at rear main roof level.

### ADDRESSES TO BE CONSULTED

- (7) 1. 18-26 (EVEN) LIMERSTON STREET  
2. (EXCLUDING 22)  
3.  
4.

5.  
6.  
7. Ian Doonan, Valuers' Dept, 2nd Floor,  
8. Central Library, Phillimore  
9. walk.  
10.  
11.  
12.  
13.  
14.  
15.

### CONSULT STATUTORILY

English Heritage Listed Bdgs - CATEGORY: ...  
English Heritage Setting of Bdgs Grade I or II ...  
English Heritage Demolition in Cons. Area ...  
Demolition Bodies ...  
DoT Trunk Road - Increased traffic ...  
DoT Westway etc., ...  
Neighbouring Local Authority ...  
Strategic view authorities ...  
Kensington Palace ...  
Civil Aviation Authority (over 300') ...  
Theatres Trust ...  
National Rivers Authority ...  
Thames Water ...  
Crossrail ...  
LRT/Chelsea-Hackney Line ...  
Victorian Society ...

### ADVERTISE

Effect on CA ...  
Setting of Listed Building ...  
Works to Listed Building ...  
Departure from UDP ...  
Demolition in CA ...  
"Major Development" ...  
Environmental Assessment ...  
No Site Notice Required ...  
Notice Required other reason ...  
Police ...  
L.P.A.C ...  
British Waterways ...  
Environmental Health ...  
GLA - CATEGORY: ...  
Govt. Office for London ...  
Twentieth Century Society ...

✓ 1  
25/6



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

Building		<del>19</del>	<del>Limerston Street</del>	SW10 0HH
Unit	Basement Flat	18	Limerston Street	SW10 0HH
Unit	Ground/ 1st Floor Flat	18	Limerston Street	SW10 0HH
Building		<del>20</del>	<del>Limerston Street</del>	SW10 0HH
Unit	Basement Flat	20	Limerston Street	SW10 0HH
Unit	House Excluding Basement	20	Limerston Street	SW10 0HH
Building		24	Limerston Street	SW10 0HH
Building		26	Limerston Street	SW10 0HH

Total Number of Buildings and Units Found 86

## APPEALS TIMETABLE

### ADMINISTRATION

Initials

Time  
Hours

Cost  
LAWJ

- (1) Notification of appeal to third parties
- (2) Pre Statement Inquiry/hearing
- (3) Preparation of Statement and Documentation
- (4) Notification of appeal decision

### CASE OFFICER

- (1) Preparation
- (2) Meeting  
Legal  
Counsel  
Transportation  
Design  
Policy  
BEHO  
Other Parties

- (3) Statement
- (4) Public Inquiry/Local Hearing

### Policy

Preparation  
Meetings  
Statement if applicable

### Design

Preparation  
Meetings  
Statement if applicable

### Transportation

Preparation  
Meetings  
Statement if applicable

# DEVELOPMENT CONTROL

## TECHNICAL INFORMATION

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

ADDRESS 22 LIMERSTON STREET

POLLING DISTRICT P

HB Buildings of Architectural Interest  
AMI Areas of Metropolitan Importance  
MDO Major Sites with Development Opportunities  
MOL Metropolitan Open Land  
SBA Small Business Area  
PSC Principal Shopping Centre (Core or Non-core)

LSC Local Shopping Centre  
AI Sites of Archeological Importance  
SV Designated View of St. Paul's from Richmond  
SNCI Sites of Nature Conservation Importance  
REG 7 Restricted size and use of Estate Agent Boards  
ART IV Restrictions of Permitted Development Rights

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

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

Density	
Site Area	
Habitable Rooms Proposed	
Proposed Density	

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

Daylighting	Complies	
	Infringes	

Car Parking	Spaces Required	
	Spaces Proposed	

### Notes:

File Note.

The creation of another roof terrace area & balcony at rear UGF level appears not to require.

P.P. Brian

21/6/01.

## 22 LIMERSTON STREET

Property Card N° : 0514 011 00

Site name :  
Comment :  
TP Arch/History : HIST  
See Also :

Xref :  
Notes :

\*\*\*\*\* No cases attached to this Property Card

\*\*\*\*\*

PP011380

TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF  
PLANNING &  
CONSERVATION

MY REF(S): RAG/PP/01/1380

YOUR REF:  
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 3852

DATE: 28-01-02

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL 22 LIMERSTON STREET. SW10

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

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

**DISTRIBUTION LIST:**

COUNCILLOR B. PHELPS, CO-CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR T. AHERN, CO-CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR SIR ADRIAN FITZGERALD (CHURCH WARD ONLY)  
COUNCILLOR R. HORTON

COUNCILLOR I. DONALDSON

TOWN CLERK & CHIEF EXECUTIVE ..... C.CAMPBELL RM: 253

DIRECTOR OF LEGAL SERVICES..... L. PARKER RM: 315

LEGAL ASSISTANT (ENFORCEMENT ONLY).. H. VIECHWEG RM: 315

LAND CHARGES..... M. IRELAND RM: 306

COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29

TRANSPORTATION.....B.MOUNT RM: 230

EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION

HEAD OF DEVELOPMENT CONTROL

APPEALS OFFICER

NORTH

CENTRAL

SOUTH-EAST

SOUTH-WEST

INFORMATION OFFICE

FORWARD PLANNING..... G. FOSTER

DESIGN..... D. MCDONALD

STATUTORY REGISTER

FILE(S)

SYSTEMS..... C.STAPLETON





# 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  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/01/01380/CHSE  
Our Ref: APP/K5600/A/01/1075246  
Date: 25 January 2002

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY MISS C OADES**  
**SITE AT 22 LIMERSTON ST, LONDON**

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
RB		28 JAN 2002			PLANNING	
KJC						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

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](mailto:Complaints@pins.gsi.gov.uk)

Yours faithfully

*A. Burden*

PP Mr Dave Shorland

COVERDL1



# Appeal Decision

Site visit made on 10 January 2002

by **George Arrowsmith BA MCD MRTPI**

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

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date 25 JAN 2002

25 JAN 2002

**Appeal Ref: APP/K5600/A/01/1075246**

**22 Limerston Street, Chelsea**

- 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 Miss C Oades against the decision of the Royal Borough of Kensington and Chelsea Council.
- The application ref: PP/01/01380, dated 17 June 2001, was refused by notice dated 15 August 2001.
- The development proposed is roof terrace on rear wing, rear balconette at UGF level, extension to terrace to rear wing at UGF level, stores in rear LGF garden, closing curtain door and window opening to rear wing, internal adaptations and modernisation.

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

## Procedural Matters

1. The committee report says that some of the alterations shown on the submitted plans constitute permitted development. The agents' letter of 31 July 2001 to the Council acknowledges, and tacitly accepts, the changed description. I will therefore determine the appeal on the basis that the proposal is as described in the decision notice. That is "Formation of roof terrace on rear addition at second floor level involving removal of: pitched roof and construction of a raised parapet, together with formation of a dormer in rear roofslope to allow access to the roof terrace".

## Main Issues

2. I consider that the main issues are whether the proposal would, i) fail to preserve the character or appearance of a conservation area, and, ii) cause a significant loss of privacy for 24 Limerston Street.

## Development Plan and other Planning Policies

3. The development plan is the Unitary Development Plan (UDP). I am referred to policies CD30, CD38, CD39, CD40, CD41, CD52 and CD53 in the plan. The site is in the Sloane Stanley Conservation Area where, in accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The Council refer to the Proposed Alterations to the UDP, but do not rely on its policies in their appeal statement.

## Reasons

### Character or Appearance of Conservation Area

4. The formation of the roof terrace, raised parapet and rear dormer with glazed door would significantly change the roofscape at the rear of the property. The effect is clearly shown on drawing No 8846 9722 submitted with the appeal. Taken in isolation it might be considered to do limited visual harm, but it would disrupt the regular pattern of hipped main roofs and ridged extensions at the rear of Limerston Street. As such I am satisfied that it would neither preserve nor enhance the character or appearance of the conservation area and would not comply with the objectives of the relevant UDP policies, especially CD52 and CD53. Although the development would not affect the appearance of the property when seen from Limerston Street it would be prominent when seen from the public garden in Nightingale Place.
5. The appellant's agents refer to what they describe as the 'lumpen unremitting mass' of the new Chelsea and Westminster Hospital to the rear of the property. However, the hospital is outside the conservation area. The agents also refer to the smallness of the property's garden and its enclosure by a high rear wall and, beyond this, the hospital buildings. Whilst I recognise that the proposed roof terrace would increase the appellant's private outdoor space, I do not think that this justifies compromising the character and appearance of the conservation area. If a small amount of private outdoor space were accepted as a reason for not preserving character of appearance, the rationale of designating the conservation area would be undermined.
6. I am also referred to existing roof terraces and balconies. None of these are easily visible from the public garden in Nightingale Place and therefore have little effect on the impact of the appeal proposal, which I consider should be assessed on its own merits. The roof terraces shown in the agents' photographs 15 and 16 are at the southern end of the long terrace which contains the appeal property, and the Council have no record of related planning permissions. As such I do not think that their existence undermines the Council's current policies. The Council also point out that none of the other houses in the terrace comprising 6-52 Limerston Street have roof terraces on their rear additions. Roof terraces at the rear of Gertrude Street houses can be seen from the hospital grounds, but not from such a public place as the Nightingale Place garden.

### Loss of Privacy for 24 Limerston Street

7. I am satisfied that the relationship between the proposed roof terrace and windows at No 24 would not lead to any significant overlooking. Similarly I do not think that the potential to see into the outdoor area at the rear of No 24 would cause a serious loss of privacy or conflict with policies CD30 or CD40. Nevertheless, my findings on this issue do not change my opinion that the proposal is unacceptable because it would fail to preserve the character or appearance of the conservation area.

## Conclusion

8. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

**Formal Decision**

9. In exercise of the powers transferred to me I dismiss the appeal.

**Information**

10. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



INSPECTOR

# The Planning Inspectorate

## RIGHT TO CHALLENGE THE DECISION

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

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

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

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

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

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

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

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

## INSPECTION OF DOCUMENTS

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

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

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

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

## **COMPLAINTS TO THE INSPECTORATE**

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

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

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

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

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

## **COUNCIL ON TRIBUNALS**

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

# APPEAL

TO: JT

FROM: PA/HD

DATE RECEIVED: 12/10

EXTN: 2081

APPEAL

CASE OFFICER: MC

APPEAL

ADMIN OFFICER: OMC

OUR REF: PP/01/1380

DETR REF: A/01/1075246

ADDRESS: 22 LIMERSTON STREET  
SW10

REASON FOR APPEAL: REF

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN  
REPRESENTATIONS



INFORMAL  
HEARING



PUBLIC  
INQUIRY



START DATE OF APPEAL: 11.10.01

3<sup>RD</sup> PARTY LETTERS DUE: 25/10 SENT: 22/10

QUESTIONNAIRE DUE: 25/10 SENT: 23/10

RULE 6/8 DUE: \_\_\_\_\_ SENT: \_\_\_\_\_

STATEMENT DUE/DATE OF  
PROOF EXCHANGE: 22/11

SENT: 22/11



# Appeal Decision

Site visit made on 10 January 2002

by **George Arrowsmith BA MCD MRTPI**

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

The Planning Inspectorate  
409 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: [enquiries@planning-inspectorate.gsi.gov.uk](mailto:enquiries@planning-inspectorate.gsi.gov.uk)

Date 25 JAN 2002

25 JAN 2002

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### **Conclusion**

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**Formal Decision**

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**Information**

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INSPECTOR



# The Planning Inspectorate

MC

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

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

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

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

Your Ref: PP/01/01380/CHSE  
Our Ref: APP/K5600/A/01/1075246  
Date: 22 November 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MISS C OADES  
SITE AT 22 LIMERSTON ST, LONDON**

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. Comments submitted after that deadline may not be seen by the Inspector.

Yours faithfully

Mr Dave Shorland

211AL(BPR)

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB KJC	23 NOV 2001				PLANNING	
N	C	SW	SE	PP	IO	REC
ARE		PLN	DES	FFES		

11

## Thorne + Thorne

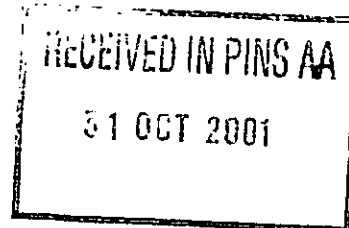
Architect

The Studio, 18 St Peter's Square, London W6 9AJ

T 020 8846 9722 F 020 8746 3342 M 07710 403 190

E mail [thandth@globalnet.co.uk](mailto:thandth@globalnet.co.uk)

L R Thorne RIBA, Chartered Architect.



29 October 2001.

Your Ref: APP/K5600/A/01/1075246.

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

For the attention of **Mr David Shorland**.

Dear Sirs,

**TCPA 1990 – Appeal by Miss C Oades – 22 Limerston Street, London SW10 0HH.**

Examination of the documents enclosed with the LPA's letter of 23 October 2001 reveals that their Officer decision to refuse planning consent was based on an inadequate and apparently unobjective examination of the application before them.

In considering the potential affect on privacy of neighbours they completely ignored evidence which accompanied the application and assumed a situation which simply does not exist. This distortion they then cited as the only reason for refusal on grounds of privacy.

In the order the events occurred:

- 1) The application, like the present appeal, was accompanied by evidence that in this rare context there was no real loss of privacy risk. A large photograph showed that there are no windows to the side of the rear wing of No 24, the neighbouring house. Indeed it was only on the basis of this fact that it was considered worthwhile, despite the considerable need, to seek planning consent for a roof garden.
- 2) In our letter to the LPA of 31 July 2001 we requested sight of the Officer Report. This was denied us, indeed we were led to believe that as the decision would be taken by Officers there would be no report.
- 3) We now receive in the LPA's documents a copy of the report (Ref: PP/01/01380) on which the decision to refuse was based. We note that it was prepared by someone whose initials are the same as those of the Officer who led us to believe there was no report. Item 4.7 states "... some overlooking from the roof terrace would occur, resulting in a loss of privacy to the windows in the side of the rear addition of No 24." That is, the very windows that do not exist.

In the 'Grounds of Appeal' we suspected the LPA of failing to give objective consideration to the proposal sufficient to appreciate that in its particular context it can be achieved in an acceptable form. It must be very rare to receive evidence that incontrovertibly proves that this was indeed the case.

Yours faithfully

L R Thorne

cc. Client & LPA.

TO: MR DAVID SHORELAND.

24 Limerston Street,  
London SW 10 0HH

31st October 2001

Ref: DPS/DCSW/PP/01/01380  
DETR's Ref : App/k5600/A/01/0175246

Attn : Ms M. Charalambous

Dear Madam,

I am writing in response to the above references relating to the planning application made by the owner of 22 Limerston Street which has been refused by your office and is now being appealed.

With reference to your reasons for refusal:-

1. This point is a total nonsense. If the "even rhythm ... of the terrace" is regarded as such an architectural pearl in our conservation area why was the architectural monstrosity of the Chelsea and Westminster hospital permitted? In fact, if you take a good look at the entire site you will notice that the only place that this harmonious flow of house rears CAN be seen is FROM the hospital. Why should they have a pleasant view of our properties when all I have to look at is the ugliness of them?
2. All this says is the same thing in different words as point 1.
3. You have clearly not bothered to look at the disposition of our windows in relation to number 22. If the owner of the said property leaned dangerously over her proposed parapet and craned her neck she just might be able to look into either my bedroom or sittingroom windows. I am sure she has better things to do with her time. I actually object strongly to your using me and my property as partial reasons for refusing planning permission. You failed to consult with me, yet feel entirely free to use me and my property to support your refusal.

Since I am writing this letter about planning in a conservation area I would like to raise two further points which you might need to refer on to the appropriate department.

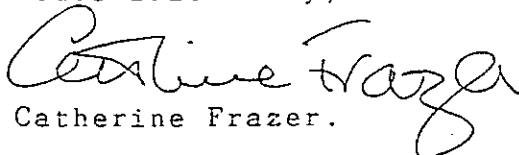
I am being seriously bothered by certain elements of the hospital garden, which is just the other side of my patio wall. Whereas I do appreciate the resulting spaciousness between the rear of my house and the hospital buildings, the frequent noise pollution generated at night by loutish drinkers is becoming unacceptable. It is becoming apparent that this garden is establishing itself as a place to hangout, very noisily, either with bottles/cans of

alcohol, or as a place to retire to after the pubs shut. As you point out in your letter, this is a conservation area. It is a good quality residential area, the peace of which is being rapidly degraded by the objectionable drunken antics of an increasingly large group. When this bother occurs I ring the hospital and there is usually co-operation from security leading to removal of the nuisance. However, on some occasions the culprits have claimed to be hospital residents (at 11pm???) and therefore have refused to leave. Why should I as a resident have to continually take such action? The hospital needs to be far more pro-actively engaged in protecting its garden amenity from this kind of noisy abuse.

Secondly, there is the matter of the trees which were planted along the hospital side of the party walls of several properties. There was no consultation regarding the eventual height and spread when mature, or what impact the trees would have on both the light and safety of the affected properties. These trees are inappropriately large for their urban position so close to quite small houses. The one near me brushes my roof and blocks any sunlight I might enjoy in my patio area. I have been speaking with both neighbours and the relevant person at the hospital and some form of compromise will probably be reached. But again, why should I, a resident have to do this at all? Such inappropriate planting is a very good example of poorly thought out urban planning.

I look forward to your reply.

Yours faithfully,

  
Catherine Frazer.



# The Planning Inspectorate

Mc

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  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/01/01380/CHSE  
Our Ref: APP/K5600/A/01/1075246  
Date: 18 December 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MISS C OADES  
SITE AT 22 LIMERSTON ST, LONDON**

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

Mr Dave Shorland

217L(BPR)

103

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
P3 KJC	20 DEC 2001				PLANNING	
N	C	SW	SE	AP	IO	REC
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## **Thorne + Thorne**

**Architect**

**The Studio, 18 St Peter's Square, London W6 9AJ**

**T 020 8846 9722 F 020 8746 3342 M 07710 403 190**

**E mail thandth@globalnet.co.uk**

**L R Thorne RIBA, Chartered Architect.**

3 December 2001.

Your Ref: APP/K5600/A/01/1075246.

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

For the attention of **Mr D Shorland.**

Dear Sirs,

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY MISS C OADES.**  
**SITE AT 22 LIMERSTON STREET, LONDON SW10 0HH.**

Thank you for your letter of 22 November enclosing the LPA's statement of 20 November 2001.

As much of the statement is a repetition of opinions previously expressed we will limit our comments to identifying inaccurate or potentially misleading claims.

With reference to the LPA's "Comments on the Appellants Grounds of Appeal" –

- 1) **Paragraph 7.** The Council claims to consider "...that the property has an adequate provision of outdoor amenity space". Obviously the quality of the space has to be taken into account when assessing this. However, even if factors such as overshadowing, dominance of new buildings to the west, and usable space lost due to differences of level are ignored we doubt that the LPA can demonstrate that a garden of 22 sq M, nowhere more than 3M wide, meets their standards for a family house. The "large" balcony referred to is, in fact, only 5 sq M and, being less than 2M above garden level, suffers from similar problems of lack of quality space.
- 2) **Paragraph 8.** Lest the very understated wording of the first sentence conceal the fact, it is nevertheless an admission that the officer's report on which the decision to refuse consent was based was factually inaccurate on possibly the most critical aspect of the proposal due to inadequate consideration of the application.
- 3) **Paragraph 9.** Our drawing No 609 shows exactly the same fixed planter as did drawing 604; both are perfectly clear on what is proposed. In the light of the huge dominant reality of the adjacent hospital in conjunction with CD31 of the UDP we submit that there is no real basis even for the mild complaint of "...some potential for overlooking". This point is further reinforced by the letter from the neighbour, Ms C Frazer, of No 24 Limerston St to the LPA of 31 October 2001 – copy attached for ease of reference.
- 4) **Paragraph 10.** In the final sentence the LPA reveal that they still have not adequately examined what is proposed. Closer examination of the proposal, and particularly drawing 606, shows that no "...destruction of part of the rear eaves.." is either necessary or proposed.



- 5) **Paragraph 15.** The second sentence of the first paragraph is incomprehensible. It might be an allegation that the existing eaves is proposed to be cut through. If so, as above, it is a misunderstanding of the proposal.
- 6) **Paragraph 16.** As the 'Grounds of Appeal' makes clear, Photo 17 shows properties in Limerston Street. Photos 19, 20 & 21 show the terrace immediately alongside which fronts Gertrude Street. The rear of these properties similarly defines the edge of the conservation area and they too back onto the hospital. The rear of these properties and their various roof terraces are more visible to the observer of the rear of the appeal address than any properties in Limerston Street, including many in the same terrace as No 22, other than the few properties either side of No 22. They are therefore far more relevant to consideration of this appeal than the vast majority of the Limerston Street properties. No other "terraces" or "Streets" have been photographed, there have been no inaccuracies or misleading statements in either the application or the appeal documents.

We are not aware of any relevant matter in the considerable documentation submitted by the LPA which we have not previously dealt with. Please let us know if you need anything further.

Yours faithfully



L R Thorne

cc. Ms Charlotte Oades.

To: Mr David Suckewald.

24 Limerston Street,  
London SW 10 0HH

31st October 2001

Ref: ~~DPS/DCSW/PP/01/01380~~  
DETR's Ref : App/k5600/A/01/0175246

Attn : Ms M. Charalambous

Dear Madam,

I am writing in response to the above references relating to the planning application made by the owner of 22 Limerston Street which has been refused by your office and is now being appealed.

With reference to your reasons for refusal:-

1. This point is a total nonsense. If the "even rhythm ... of the terrace" is regarded as such an architectural pearl in our conservation area why was the architectural monstrosity of the Chelsea and Westminster hospital permitted? In fact, if you take a good look at the entire site you will notice that the only place that this harmonious flow of house rears CAN be seen is FROM the hospital. Why should they have a pleasant view of our properties when all I have to look at is the ugliness of them?
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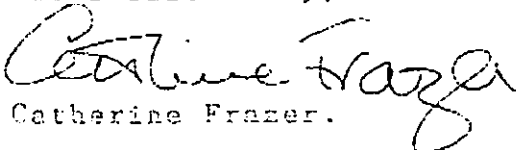
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I look forward to your reply.

Yours faithfully,

  
Catherine Frazer.



# The Planning Inspectorate

nc

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GTN 1371-8809

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

Your Ref: PP/01/01380/CHSE  
Our Ref: APP/K5600/A/01/1075246  
Date: 14 December 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MISS C OADES  
SITE AT 22 LIMERSTON ST, LONDON**

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

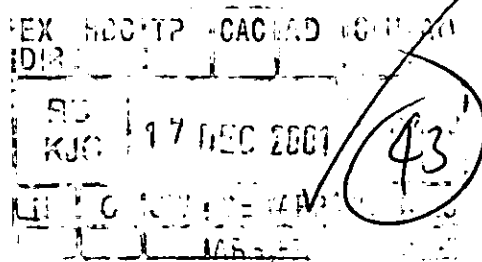
Mr George Arrowsmith BA MCD MRTPI

The Inspector will visit the appeal site at 12:30pm on Thursday 10 January 2002. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, ~~you should arrange~~ for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

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

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

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



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

Yours faithfully

A handwritten signature in black ink, appearing to be 'Mr Kim Chong', written in a cursive style.

Mr Kim Chong

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

209D

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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**

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

Switchboard: 020-7937-5464

Direct Line: 020-7361-2699

Extension: 2699

Facsimile: 020-7361-3463

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

Date: 21 November 2001

My Ref: DPS/DCSW/PP/01/01380/MC

DETR's Reference: App/K5600/A/01/1075246

Please ask for: Appeals

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 22 Limerston Street, London, SW10 0HH**

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'M J French'.

**Michael J French**

**Executive Director, Planning and Conservation**

Enc.

---

## PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

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

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Extension: 2699  
Direct Line: 020 7361 2699  
Facsimile: 020 7361 3463  
Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

20 November 2001

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My reference: DPS/DCSW/PP/01 Your reference: APP/K5600/A/01/ Please ask for: Melanie Charalambous  
/01380 1075246

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Dear Sir/Madam,

### Town and Country Planning Act 1990

#### Re: Appeal at 22 Limerston Street, London SW10

I refer to the Appeal made by L R Thorne (Architect) on behalf of Miss Charlotte Oades against the refusal of the Royal Borough of Kensington and Chelsea to grant planning permission for the formation of a roof terrace on the rear addition at second floor level involving the removal of a pitched roof and construction of a raised parapet, together with the formation of a dormer in the rear roofslope to allow access to the roof terrace, at 22 Limerston Street, London SW10.

Enclosed are copies of the following documents, which, together with this letter constitute the Council's written statement.

- A1 A copy of the Council's Refusal Notice for the development dated 15 August 2001.
- A2 A copy of the Officer's report, approved by the Executive Director, Planning and Conservation dated 15 August 2001.
- A3 Location Plan.
- A4 Copies of relevant extracts from Chapter 4 of the Royal Borough's Unitary Development Plan. The Unitary Development Plan was formally adopted on the 28<sup>th</sup> August 1995 and is the statutory plan for the Royal Borough.
- A5 Copies of relevant extracts from Chapter 4 of the Proposed Alterations to the Unitary Development Plan (Public Inquiry Version) dated April 2000. The Public Inquiry began on 10<sup>th</sup> January 2001 and lasted for approximately four weeks. The Inspectors' Report was published in July 2001. The Proposed Alterations will increasingly acquire weight as a material consideration as the process continues, and are expected to be formally adopted in 2002.

Other relevant documents are Circulars, Planning Policy Guidance Notes, in particular Planning Policy Guidance Notes 1 and 15 and the statutory framework provided by the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

Attention is drawn to Section 54A of the Town and Country Planning Act 1990 as inserted by Section 26 of the Planning and Compensation Act 1991, which stipulates that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.

The revised Planning Policy Guidance Note 1 (General Policy and Principles, February 1997) reiterates the emphasis on the Development Plan in paragraph 54:

**"If the development plan contains material policies or proposals and there are no other material considerations, the application or appeal should be determined in accordance with the development plan."**

### **Comments on the Appellants Grounds of Appeal**

#### **Paragraph 7**

The Council considers that the property has an adequate provision of outdoor amenity space. It is also noted that a large balcony is proposed at rear upper ground floor level which constitutes permitted development. It is considered that the proposed second floor level roof terrace would be detrimental to the character and appearance of the Conservation Area. This long terrace of similar Victorian houses benefits from a largely unaltered, even rhythm of original rear additions with sloping roofs. Removing the sloping roof of the addition and raising the parapet above the level of the eaves will clearly disrupt this even rhythm and result in the addition no longer being visually subordinate to the parent building, contrary to the provisions of UDP Policy CD41.

#### **Paragraph 8**

The Council accepts that there are no windows in the side of the rear addition of No.24. However, in relation to overlooking from the proposed roof terrace, its use will result in some loss of privacy to No.24 (see also comments on paragraph 9 below). Moreover, if allowed, this proposal could make it more difficult for the Council to resist similar roof terraces elsewhere in this part of Limerston Street, which could have detrimental effect on the privacy conditions of other properties within the terrace, contrary to UDP Policies CD40, CD44a and CD30.

The Council considers that the proposed rear dormer would stand out as a visually intrusive feature on the unbroken roofline of the terrace, to the detriment of the character and appearance of the Conservation Area.

#### **Paragraph 9**

The Council does not concur with the appellant's suggestion that the inclusion of reason for refusal No.3 demonstrates a lack of confidence in reasons No.1 and 2.

The appellant's submitted drawing No.609 shows the proposed fixed planter more clearly. However, there would still be some potential for overlooking from the roof terrace.



#### Paragraph 10

The Council disagrees with the appellant's opinion of the rear of the property as "...a low quality and cluttered assemblage of lean-to roofs and walls" that he considers would benefit from some simplification and clarification. It is the Council's opinion that the original rear additions, with their symmetrical sloping roofs, give the rear of the terrace a clear uniformity and rhythm that would be destroyed by the appeal proposal. Furthermore, it could also be argued that the rear additions have been deliberately designed with sloping roofs so that they do not interfere with the hipped roof of the parent building. It is considered that the appeal proposal would interfere with this hipped roof; by the raising of the parapet of the rear addition and the destruction of part of the rear eaves.

#### Paragraph 11

The Council considers that the proposal conflicts with part (a) of Policy CD38 of the UDP as this terrace has an unimpaired roofline. In a similar manner, it is considered that the proposal would have an adverse effect on the character and skyline of the terrace as described in part (a) of paragraph 4.2 of the supporting text.

#### Paragraph 12

The Council considers that Policy CD39 is relevant as it relates to roof level alterations. It is considered that the proposal does not comply with this Policy, particularly part (a).

#### Paragraph 13

The Council considers that the proposal would harm the character and appearance of the Conservation Area for the reasons stated earlier and therefore conflicts with Policy CD52 of the UDP.

#### Paragraph 14

The Council considers that the proposal conflicts with parts (a), (b), (c), and (d) of Policy CD53 of the UDP.

#### Paragraph 15

It is accepted that the ridge and chimney of the sloping roof of the original rear addition rise higher than the rear eaves of the main roof. However, this is part of the original design of the house and this sloping roof has also been designed to fit neatly under the eaves and cut through them as is now proposed.

It is considered that the word 'rhythm' has correctly been used to describe the symmetrical pattern of the original rear additions in the terrace.

The appellant does not specify which properties their photos No.s 15 and 16 depict. However, having checked the remainder of the terrace, it is likely that they are photos of No.s 50 and 52 at the southern end of the terrace. The Council can find no record of planning permission for the alteration of the rear additions of these properties. Therefore, it is likely that they were either altered many years ago or perhaps built that way originally. Either way, they are clearly an isolated pair at the end of a long terrace. Furthermore, neither of these properties have roof terraces on their rear additions and the roofs of the parent buildings also remain intact and have not been cut through by the raising of the parapet wall, as is now proposed.

No.22 and the neighbouring properties in this part of the terrace are visible from the public garden area at Nightingale Place. It is accepted that the whole of the rear of this long terrace cannot be viewed all at

once; for instance, the rear of No.s 50 and No. 52 cannot be viewed from the same point as No.22 and so cannot be seen in the same context.

It is considered that the proposal conflicts with parts (c), (d) and (f) of policy CD41 for the reasons outlined earlier.

#### **Paragraph 16**

The appellant's photos 17, 19, 20 and 21 show existing roof terraces on separate terraces and separate streets. It is considered that none of these examples are relevant to the appeal proposal. There are no other roof terraces on the rear additions of No.s 6-52 (even) Limerston Street, which is defined as the terrace of which No.22 forms part as it contains properties of the same architectural style.

#### **Paragraph 17**

Informative I51 includes the relevant policies that were considered when assessing the proposal. In the Officer's report, it is accepted that the proposal would be unlikely to have a significant effect on the levels of light available to neighbours.

#### **Paragraph 18**

The Council considers that the proposal will harm the appearance of the building and the terrace in which it is situated, and will be detrimental to the character and appearance of the Conservation Area.

It is concluded that the appeal proposal is contrary to the policies of the Unitary Development Plan, in particular Policies CD38, CD39, CD40, CD41, CD52, CD53 and CD30 and there are no other material considerations which justify the granting of planning permission in this case. In this respect, attention is again drawn to Section 54A of the Town and Country Planning Act 1990 which stipulates that planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.

If the Inspector is minded to grant planning permission for the proposal, it is considered that the following planning conditions should be imposed:

1. The development shall be begun before the expiration of five years from the date of this permission.
2. The development shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation there from without the prior written approval of the local planning authority.
3. All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture and profile and in the case of brickwork, facebond and pointing.

For the reasons set out above and outlined in the Officer's report, the Council respectfully requests that the appeal is dismissed.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'J. Thorne', written in a cursive style.

John W. Thorne  
Deputy Area Planning Officer,  
For the Executive Director, Planning and Conservation

cc. L.R.Thorne (Appellants)

EX	MDG	TP	CAC	AD	CLU	AO
DIR						AK
RB	1 NOV 2001			PLANNING		
KJC						
N	C	SW	SE	APP	IC	REC
		ARB	FPLN	DES	FEE	

PC ACK  
→ MC

24 Limerston Street,  
London SW 10 0HH

31st October 2001

Ref: DPS/DCSW/PP/01/01380  
DETR's Ref : App/k5600/A/01/0175246

Attn : Ms M. Charalambous

Dear Madam,

I am writing in response to the above references relating to the planning application made by the owner of 22 Limerston Street which has been refused by your office and is now being appealed.

With reference to your reasons for refusal:-

1. This point is a total nonsense. If the "even rhythm ... of the terrace" is regarded as such an architectural pearl in our conservation area why was the architectural monstrosity of the Chelsea and Westminster hospital permitted? In fact, if you take a good look at the entire site you will notice that the only place that this harmonious flow of house rears CAN be seen is FROM the hospital. Why should they have a pleasant view of our properties when all I have to look at is the ugliness of them?
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Since I am writing this letter about planning in a conservation area I would like to raise two further points which you might need to refer on to the appropriate department.

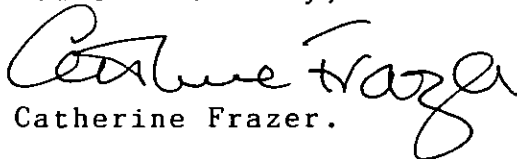
I am being seriously bothered by certain elements of the hospital garden, which is just the other side of my patio wall. Whereas I do appreciate the resulting spaciousness between the rear of my house and the hospital buildings, the frequent noise pollution generated at night by loutish drinkers is becoming unacceptable. It is becoming apparent that this garden is establishing itself as a place to hangout, very noisily, either with bottles/cans of

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Secondly, there is the matter of the trees which were planted along the hospital side of the party walls of several properties. There was no consultation regarding the eventual height and spread when mature, or what impact the trees would have on both the light and safety of the affected properties. These trees are inappropriately large for their urban position so close to quite small houses. The one near me brushes my roof and blocks any sunlight I might enjoy in my patio area. I have been speaking with both neighbours and the relevant person at the hospital and some form of compromise will probably be reached. But again, why should I, a resident have to do this at all? Such inappropriate planting is a very good example of poorly thought out urban planning.

I look forward to your reply.

Yours faithfully,

  
Catherine Frazer.

# Thorne + Thorne

Architect

The Studio, 18 St Peter's Square, London W6 9AJ

T 020 8846 9722 F 020 8746 3342 M 07710 403 190

E mail thandth@globalnet.co.uk

L R Thorne RIBA, Chartered Architect.

MC.

pc acknowledgment  
copies Detr.  
31/10 om.

29 October 2001.

Your Ref: APP/K5600/A/01/1075246.

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

EX DIR	HDC	TP	CAG	AD	CLU	AO AK
RB KJC	31 JUL 2001				PLANNING	43
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

For the attention of Mr David Shorland.

Dear Sirs,

**TCPA 1990 – Appeal by Miss C Oades – 22 Limerston Street, London SW10 0HH.**

Examination of the documents enclosed with the LPA's letter of 23 October 2001 reveals that their Officer decision to refuse planning consent was based on an inadequate and apparently unobjective examination of the application before them.

In considering the potential affect on privacy of neighbours they completely ignored evidence which accompanied the application and assumed a situation which simply does not exist. This distortion they then cited as the only reason for refusal on grounds of privacy.

In the order the events occurred:

- 1) The application, like the present appeal, was accompanied by evidence that in this rare context there was no real loss of privacy risk. A large photograph showed that there are no windows to the side of the rear wing of No 24, the neighbouring house. Indeed it was only on the basis of this fact that it was considered worthwhile, despite the considerable need, to seek planning consent for a roof garden.
- 2) In our letter to the LPA of 31 July 2001 we requested sight of the Officer Report. This was denied us, indeed we were led to believe that as the decision would be taken by Officers there would be no report.
- 3) We now receive in the LPA's documents a copy of the report (Ref: PP/01/01380) on which the decision to refuse was based. We note that it was prepared by someone whose initials are the same as those of the Officer who led us to believe there was no report. Item 4.7 states "...some overlooking from the roof terrace would occur, resulting in a loss of privacy to the windows in the side of the rear addition of No 24." That is, the very windows that do not exist.

In the 'Grounds of Appeal' we suspected the LPA of failing to give objective consideration to the proposal sufficient to appreciate that in its particular context it can be achieved in an acceptable form. It must be very rare to receive evidence that incontrovertibly proves that this was indeed the case.

Yours faithfully

L R Thorne

cc. Client & LPA.

---

## PLANNING AND CONSERVATION

---

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

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

Switchboard: 020-7937-5464

Direct Line: 020-7361-2699

Extension: 2699

Facsimilie: 020-7361-3463

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

Date: 23 October 2001

My Ref: DPS/DCSW/PP/01/01380/MC

DETR's Reference: App/K5600/A/01/1075246

Please ask for: Appeals

Dear Sir/Madam,

### TOWN AND COUNTRY PLANNING ACT 1990

**Appeal relating to: 22 Limerston Street, London, SW10 0HH**

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.

---

**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**

Thorne and Thorne - Architect,  
The Studio,  
18 St. Peter's Square,  
Hammersmith,  
London  
W6 9AJ

Switchboard: 020-7937-5464

Direct Line: 020-7361- 2699

Extension: 2699

Facsimile: 020-7361-3463

Date: 23 October 2001

My Ref: DPS/DCSW/PP/01/01380/MC

DETR's Reference: App/K5600/A/01/1075246

Please ask for: Ms.M. Charalambous

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 22 Limerston Street, London, SW10 0HH**

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.



# QUESTIONNAIRE

## PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

OUR REF: PP/01/1380

APPEAL REF: APP /K5600/A/01/1075246 GRID REF: \_\_\_\_\_

APPEAL BY: MISS C OADES

SITE: 22 LIMERSTON STREET SW10

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

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

1. Do you agree to the written representations procedure?

YES NO

OR Do you wish to be heard by an Inspector at:  
a. a local inquiry?  
or b. a hearing?

YES NO

YES / NO

2. If the written procedure is agreed, could the Inspector make an unaccompanied site visit?

YES NO

*(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)*

3. Does the appeal relate to an application for approval of reserved matters?

YES NO

4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?

YES NO / NA

5. Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?

YES NO

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

Please specify which . . . . .

YES / ☒ NO

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

YES / ☒ NO

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

YES / ☒ NO

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

YES / ☒ NO

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

☒ YES / NO

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

YES / ☒ NO

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

YES / ☒ NO  
~~Grade I / II\* / II~~

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

YES / ☒ NO

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

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

YES / ☒ NO

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

YES / ☒ NO

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

YES / NO —

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

YES / ☒ NO

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

YES / ☒ NO

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

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.

YES ☒ NO

Sch 1 ~~Sch 2 col 1~~

b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES ☒ NO

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

YES ☒ NO

d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;

Number of Documents Enclosed

N/A

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

f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;

g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);

h. Details of any other applications or matters you are currently considering relating to the same site;

i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.

Chapters 1-4 UDP & proposed alterations  
Extract from UDP Inspectors report

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

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

Not decided  
if appropriate  
yet

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

22.11.01  
22.10.01

*Not f. letter dated →*

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

i) representations received from interested parties about the original application

ii) the planning officer's report to committee/*members panel*

iii) any relevant committee minute

Number of Documents Enclosed

N/A

✓

✓

✓

17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY

Do you intend to send another statement about this appeal?

If NO, please send the following information:-

YES / NO

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

i) what the decision notice would have said;

ii) how the relevant development plan policies relate to the issues of this appeal.

b. In all cases:

i) the relevant planning history;

ii) any supplementary reasons for the decision on the application;

iii) matters which you want our Inspector to note at the site visit.

18. THE MAYOR OF LONDON CASES ONLY

a. Was it necessary to notify the Mayor of London about the application?

If YES, please attach a copy of that notification.

~~YES / NO~~

b. Did the Mayor of London issue a direction to refuse planning permission

If YES, please attach a copy of that direction.

YES / NO

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

Signature: *A. Sermott* on behalf of *RBK+C* Council

Date sent to us and the appellant *23/10/01*

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

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Orwich NR3 1BO

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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

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

File Copy

Switchboard: 020-7937-5464

1 Direct Line: 020-7361-2699

Extension: 2699

Facsimilie:

020-7361-3463

Date: 22 October 2001

---

My Ref: DPS/DCSW/PP/01/01380

DETR's Reference: App/K5600/A/01/1075246

Please ask for: Ms.M. Charalambous

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Notice of a Planning Appeal relating to: 22 Limerston Street, London, SW10 0HH**

A Planning Appeal has been made by Ms Charlotte Jades, to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for: Formation of roof terrace on rear addition at second floor level involving removal of pitched roof and construction of a raised parapet, together with formation of a dormer in rear roofslope to allow access to the roof terrace.. This appeal will proceed by way of **WRITTEN REPRESENTATIONS**. Any representations you wish to make should be sent to:

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

Please send 3 copies and quote the DETR's reference given above. **The Inspectorate must receive your representations by 22/11/2001 for them to be taken into account.** (Representations made in respect of the planning application have already been copied to the Inspectorate, and these will be considered when determining the appeal unless they are withdrawn before 22/11/2001). Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Inspector dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

I attach a copy of the Council's reasons for refusal and the Appellant's grounds of appeal. The Appellant's and Council's written statements may be inspected in the Planning Information Office after 22/11/2001 **(please telephone ahead in order to ensure that these are available)**. If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully

**M. J. FRENCH**

Executive Director, Planning and Conservation



## **NOTICE OF A PLANNING APPEAL**

### **Reasons for Refusal**

1.       The roof terrace and associated raised parapet, would result in the rear addition rising higher than the eaves of the house and disrupting the even rhythm of rear additions in the terrace. Therefore, the proposal would harm the character and appearance of the building and the terrace in which it is situated and would be detrimental to the character and appearance of the Conservation Area. Consequently, the proposal is contrary to the Council's Policies, as set out in the Unitary Development Plan, in particular, CD40, CD41, CD52 and CD53.
  
2.       The rear dormer, by reason of its location on an unaltered roofline would harm the character and appearance of the building and the terrace and would be detrimental to the character and appearance of the Conservation Area. Therefore, the proposal is contrary to the Council's policies, as set out in the Unitary Development Plan, in particular Policies CD38, CD39, CD52 and CD53.
  
3.       The use of the roof terrace, by reason of its close proximity to neighbouring windows, would result in a loss of privacy to No.24 Limerston Street. Therefore, the proposal is contrary to the Council's Policies, as set out in the Unitary Development Plan, in particular Policies CD30 and CD40.

### **Property**

**22 Limerston Street, London, SW10 0HH**

### **Proposal**

**Formation of roof terrace on rear addition at second floor level involving removal of pitched roof and construction of a raised parapet, together with formation of a dormer in rear roofslope to allow access to the roof terrace.**

---

Plans and drawings are/are not available for inspection.

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

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## H. GROUNDS OF APPEAL (continued)

Reason for Refusal No 1 asserts,

- 1.) that the proposal would result in the rear 'addition' rising higher than the eaves of the house. The roof of the rear wing already does rise higher, and in a far more visually disruptive manner, the raised walls are proposed only to rise to the existing height of the party parapet wall, and,
- 2.) that it would disrupt the even rhythm of rear additions. This objection is usually raised in relation to the width of rear extensions, particularly full width proposals, rather than the simple levelling off of height proposed here. Firstly, it should be noted that there already exist other wings in the terrace which are topped by a parapet wall. - PHOTOS 15 & 16. It is also relevant that, because of adjacent buildings, the rear of the terrace can only be seen in short lengths rather than in its entirety as applies at the front. The responses we have made earlier again apply in relation to the citing of CD40, CD52 & CD53. In relation to CD41, again the LPA do not reveal which section they feel applies, here we have nine sections. It is our assertion that none apply. Most obviously do not, c) cannot as it refers to extensions rising above rear "eaves or parapet", d) cannot as, we contend, the simplification reinforces the rear wing's subordination to the main building, f) relates to "even rhythm" and clarifies that this is generally to do with width.

In addition to Photos 15 & 16, referred to above, there already exist roof terraces in Limerston Street - PHOTO 17 - and balconies - PHOTO 18. Similarly, the adjacent Gertrude Street, whose rear boundary also defines the Conservation Area and encloses the hospital, has numerous roof terraces - PHOTOS 19, 20 & 21.

Although not included in the reasons for refusal CD 28 is included in the 'Informatives'. It is difficult to understand the relevance of this inclusion as there can be no question that the proposal has any real affect on the levels of sunlight and daylight enjoyed by its neighbours.

CD41 performs a very important role in guiding the LPA's consideration of extensions & alterations to existing buildings. It is introduced by paragraph 4.8 which states that,

"Buildings in the Borough are frequently difficult to extend without affecting the light, privacy and outlook of adjoining buildings", and

"Where they overlook communal gardens these (rear) elevations may be of as much importance as the front", and

Rear elevations "...often have a simple dignity and harmony which makes them attractive."

We believe that the setting of No 22 is such that it is possible to provide it with a roof terrace extension, creating precious open space for its occupants, without any harmful affects on its neighbours and in a manner which enhances and clarifies its design and its contribution to the character of the conservation area.

We believe that the proposal before you is such a design and that this appeal should be upheld because the refusal, and reasons to justify it, made by Officers of the LPA are not appropriate in this case.

## APPEAL NOTIFICATIONS

Re: ..... 22 LIMERSTON STREET SW10

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.
- 2.
- 3.

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

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

☐ RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

- 1.
- 2.
- 3.

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

☐ ALL OBJECTORS/SUPPORTERS

☐ STATUTORY BODIES ORIGINALLY NOTIFIED

☐ ENGLISH HERITAGE

☐ OTHERS:.....



NEW APPEAL

DATE: 15/10/01

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

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

..... 22 LIMERSTON STREET .....

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

..... MELANIE CHARALAMBOUS .....

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



# The Planning Inspectorate

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

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

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

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

Your Ref: PP/01/01380/CHSE  
Our Ref: APP/K5600/A/01/1075246  
Date: 11 October 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MISS C OADES  
SITE AT 22 LIMERSTON ST, LONDON

R.B.K.C PLANNING

Received 12 OCT 2001

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

26

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

You must submit the following documents within this timetable:

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

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

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

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

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

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

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

**You** and the appellant must submit 2 copies of any final comments on each other's statement and 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.

Site visit arrangements

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

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

Planning obligations - Section 106 agreements

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

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

Yours faithfully

*A. Burden*

P.P. Mr Dave Shorland

102(BPR)

# 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 8939.

**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.

## A. APPELLANT DETAILS

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

Name MISS CHARLOTTE COADES.  
Address 22 LIMERSON STREET. Daytime phone no 0208 237 3820  
LONDON Fax no 0208 237 3567.  
Postcode SW10 0117 372 8939 E-mail address Coades@eur.ko.com  
Received 12 OCT 2001

Ex Dis HDC IP CAC AD CII  
AOACK N C SW SE APPEALS  
IO REC ARB F.PLAN CON DES

## B. AGENT DETAILS (if any)

Name THORNE + THORNE, ARCHITECT.  
Address THE STUDIO, Your reference COI/3/CO/UK7.  
18 ST PETER'S SQUARE, Daytime phone no 020 8846 9722  
LONDON. Fax no 020 8746 3342  
Postcode W6 9AJ. E-mail address thandth@glblanet.co.uk

## C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA ROYAL BOROUGH OF KENSINGTON & CHELSEA. LPA's application reference no PP/01/01380/CHSE  
Date of the planning application 17/06/01. Date of LPA's decision notice (if issued) 15/08/01

#### D. APPEAL SITE ADDRESS

Address 22 LIMERSTON STREET  
LONDON.

Postcode SW10 0HH.

If the whole site can be seen from a road or other public land and there is no need for the Inspector to enter the site e.g. to take measurements or to enter a building, please tick the box. ☐

#### E. DESCRIPTION OF THE DEVELOPMENT

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

FORMATION OF ROOF TERRACE ON REAR ROOF AT SECOND  
FLOOR LEVEL INVOLVING REMOVAL OF PITCHED ROOF AND  
CONSTRUCTION OF A RAISED PARAPET, TOGETHER WITH  
FORMATION OF A DORMER IN REAR ROOFSLOPE TO ALLOW  
ACCESS TO THE ROOF TERRACE.

#### F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **one** box only

1. Refuse planning permission for the development described in Section E. ☒
  2. Grant planning permission for the development subject to conditions to which you object. ☐
  3. Refuse approval of details required by a previous outline planning permission. ☐
  4. Grant approval of details required by a previous 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) of an application for permission or approval. ☐

## G. CHOICE OF PROCEDURE

### CHOOSE ONE PROCEDURE ONLY

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

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

Please tick **one** box only



#### 1. WRITTEN REPRESENTATIONS \_\_\_\_\_



The written procedure involves an exchange of written statements followed by a site visit by the Inspector. The grounds of appeal should make up your full case.

#### 2. HEARING \_\_\_\_\_



A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry. Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest;
- involve cross-examination (questioning) of witnesses.

Although you may prefer a hearing, the Inspectorate must consider your appeal suitable for this procedure. Hearings are open to the public.

#### 3. INQUIRY \_\_\_\_\_



This is the most formal of the procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and LPA usually have legal representatives. Inquiries are open to members of the public.

An inquiry is held if you or the LPA decide that you cannot rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, you will be given reasons for our decision.

## H. GROUNDS OF APPEAL

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, please provide a brief outline of your grounds.

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

Please continue on a separate sheet if necessary.

SEE ATTACHED.

**H. GROUNDS OF APPEAL (continued)**



## 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 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
_____	_____	_____
_____	_____	_____
_____	_____	_____

### 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 'Tenant's 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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

## J. ESSENTIAL SUPPORTING DOCUMENTS

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

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

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

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

*DWG: COI/3/CO/507, 608 AND 609.*

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

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

## K. PLEASE SIGN BELOW

(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

*L. R. Thorne*

(on behalf of)

*C. OADES*

Name (in capitals)

*L. R. THORNE*

Date

*10/10/01*

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

### NOW SEND:

#### • 1 COPY to us at:

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

We do not currently accept  
appeals by e-mail or fax.

#### • 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 us receiving further information or representations.

#### **YOU MUST KEEP TO THE TIMETABLE**

**If information or representations are received 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 March 2001

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2-16 Colegate  
Norwich NR3 1BQ

(DP2)

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

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

Date: 08 August 2001  
Our Ref: PP/01/01380

CH30

Application Date: 17/06/2001 Complete Date: 21/06/2001

Revised Date:

Agent: Thorne and Thorne - Architect, The Studio, 18 St. Peter's Square,  
Hammersmith, London W6 9AJ

Address: **22 Limerston Street, London, SW10 0HH**

This application is for a class of development to be determined under powers delegated to me by the Council on 18th July, 2001 and is not a major, controversial or sensitive application nor one which a Ward Councillor has asked to be considered by Planning Services Committee.

~~Class - 8th Schedule development~~

Class - Listed building consent for above Classes.

Class - shop fronts

Class - Conservation area consent

Class - conversion from non  
s/c dwellings etc

Class - approval of facing materials

Class - amendments as required  
by T.P. Committee

Class - grant of planning permission for a change  
from one kind of non-residential use to  
another non-residential use except where this  
would involve the loss of a shop in a

Principal

Class - grant or refuse certificates of  
Lawful development  
under

DELEGATED  
REFUSAL  
15 AUG 2001

shopping frontage.

Class - grant permission license or no objection

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

Sections 73, 74, 138, 143, 152, 153, 177 &  
180 of the Highways Act

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

**DESCRIPTION OF PROPOSED DEVELOPMENT**

**Formation of roof terrace on rear addition at second floor level involving removal of pitched roof and construction of a raised parapet, together with formation of a dormer in rear roofslope to allow access to the roof terrace.**

**RECOMMENDED DECISION** (Refuse planning permission) ✓

RBK&C drawing(s) No. PP/01/01380 Applicant's drawing(s) No. C01/3/CO/501/, 502/, 503/, 504/, 505/, 506/, 601A/, 602/, 603A/, 604A/, 605A/, 606/ and 607 ✓

**Number of Objections - 0**

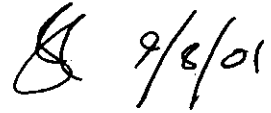
I hereby determine and ~~grant~~/refuse this application (subject to HBMC Direction/Historic Building ~~authorisation~~) under the powers delegated to me by the Council, subject to the condition(s) indicated below imposed for the reason(s) appearing thereunder, or for the reasons stated.

PP/01/01380 : 1

Exec. Director, Planning and Conservation

Head of Development Control

Area Planning Officer

A stylized handwritten signature in black ink, appearing to be 'Ald'.A handwritten signature in black ink, followed by the date '9/8/01'.

## **REASONS FOR REFUSAL**

1.       **The roof terrace and associated raised parapet, would result in the rear addition rising higher than the eaves of the house and disrupting the even rhythm of rear additions in the terrace. Therefore, the proposal would harm the character and appearance of the building and the terrace in which it is situated and would be detrimental to the character and appearance of the Conservation Area. Consequently, the proposal is contrary to the Council's Policies, as set out in the Unitary Development Plan, in particular, CD40, CD41, CD52 and CD53.**
  
2.       **The rear dormer, by reason of its location on an unaltered roofline would harm the character and appearance of the building and the terrace and would be detrimental to the character and appearance of the Conservation Area. Therefore, the proposal is contrary to the Council's policies, as set out in the Unitary Development Plan, in particular Policies CD38, CD39, CD52 and CD53.**
  
3.       **The use of the roof terrace, by reason of its close proximity to neighbouring windows, would result in a loss of privacy to No.24 Limerston Street. Therefore, the proposal is contrary to the Council's Policies, as set out in the Unitary Development Plan, in particular Policies CD30 and CD40.**

## **INFORMATIVES**

You are advised that a number of relevant policies of the Unitary Development Plan and proposed alterations thereto were used in the determination of this case, in particular, Policies CD28, CD30, CD38, CD39, CD40, CD41, CD52 and CD53.  
(I51)

**1.0 THE SITE**

- 1.1 No.22 is a two storey (plus basement), mid-terrace property, situated on the West side of Limerston Street. To the rear, the property backs onto a public garden area in Nightingale Place which is connected to the Chelsea and Westminster hospital.
- 1.2 The property is in use as a single family dwelling house.
- 1.3 The property is not Listed, but is within the Sloane/Stamley Conservation Area.

**2.0 DESCRIPTION OF PROPOSAL**

- 2.1 The proposal is for the formation of a roof terrace on the rear addition at second floor level involving the removal of the pitched roof and the construction of a raised parapet, together with the formation of a dormer in the rear roofslope to allow access to the roof terrace.
- 2.2 The roof terrace would measure approximately 2.8 metres wide and 3.8 metres deep. It would be enclosed by a 1.3 metre high brick parapet wall. The rear dormer would incorporate a glazed door and its roof and sides would be clad in lead.
- 2.3 It should be noted that the other alterations shown on the plans, for rear balconies at ground floor level and a store at garden level constitute 'permitted development' not requiring planning permission.

**3.0 RELEVANT PLANNING HISTORY**

- 3.1 There is no relevant planning history in relation to this application.

**4.0 PLANNING CONSIDERATIONS**

- 4.1 The main considerations in this case are the impact of the proposal on the character and appearance of the property and the terrace in which it is situated and on the character and appearance of the Conservation Area. Also for consideration is the effect of the proposal on the amenities of occupiers of neighbouring residential properties.
- 4.2 The relevant policies of the Unitary Development Plan are as follows:
- . CD40 (Roof terraces)
  - . CD41 (Rear extensions)
  - . CD38 and CD39 (Roof extensions and alterations)
  - . CD52 and CD53 (Development in Conservation Areas)

- . CD28 (Sunlight and Daylight)
- . CD30 (Privacy)

- 4.3 The property forms part of a terrace of similar Victorian buildings that are arranged as linked pairs. These properties all have original three storey rear additions with pitched roofs that form a distinct even rhythm. It should be noted that this part of the rear of the terrace is highly visible from the public garden in Nightingale Place.
- 4.4 The proposal would result in the rear addition losing its original pitched roof form and rising higher than the eaves of the house. It is considered that this would result in it no longer appearing subordinate to the house and would disrupt the even rhythm of additions in the terrace, contrary to Policy CD41 of the UDP.
- 4.5 This terrace of buildings also has an unaltered roofline and the property retains its original hipped roof form. It is considered that the proposed rear dormer would appear as an obtrusive feature on the roof and would disrupt the un-broken roofline of the terrace, contrary to Policies CD38 and CD39 of the UDP.
- 4.6 The Conservation and Design Officer objects to the proposal. It is considered that the appearance of the building and the terrace in which it is situated would be harmed and the proposal would be detrimental to the character and appearance of the Conservation Area, contrary to Policies CD52 and CD53 of the UDP.
- 4.7 The applicants have attempted to limit any overlooking from the roof terrace through the use of planting. However, it is considered that some overlooking from the roof terrace would occur, resulting in a loss of privacy to the windows in the side of the rear addition of No.24. Therefore, the proposal is also contrary to Policies CD30 and CD40 of the UDP.
- 4.8 It is not considered that the proposal would result in a significant loss of light affecting neighbouring properties.

## **5.0 PUBLIC CONSULTATION**

- 5.1 Occupiers of seven neighbouring properties in Limerston Street were notified of this application.
- 5.2 To date, no objections have been received.
- 5.3 The applicant has written to state that the property is in need of repair and the proposed roof terrace will provide a valuable area of open space for a house that has very little garden space and is dominated by surrounding structures. They also point out that there is another property in the terrace which has added a flat roof to their rear addition.



It is considered that any perceived benefits of the proposal are outweighed by the harm caused to the character and appearance of the building, the terrace and the Conservation Area. The applicant does not identify which property has a flat roofed addition. However, it appears to be an isolated case that was carried out before the adoption of current UDP policies.

## **6.0     RECOMMENDATION**

6.1           Refuse Planning Permission.

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

### **Background Papers**

**The contents of file PP/01/01380 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.**

**Report Prepared By:     MC**  
**Report Approved By:    JT/LAWJ**  
**Date Report Approved:  09/08/2001**

# Thorne + Thorne

Architect

The Studio, 18 St Peter's Square London W6 9AJ

tel 020 8846 9722 fax 020 8746 3342 mobile 07710 403190 e-mail thandth@globalnet.co.uk

L R Thorne RIBA Chartered Architect

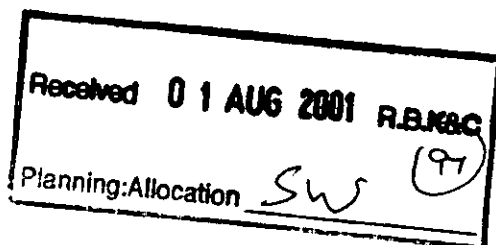
MC  
Booth

31 July 2001.

Your Ref: DPS/DCSW/PP/01/01380.

RBK&C – Planning & Conservation,  
The Town Hall, Hornton Street,  
London W8 7NX.

AM  
1/8



For the attention of Ms M Charalambous.

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended).**  
**22 Limerston Street, London, SW10 0HH.**

I refer to our telephone conversation of 27 July 2001 and confirm your decision that the only part of the application requiring consent is the roof terrace over the rear wing but that it is the view of Officers that this proposal is unacceptable for reasons of unsatisfactory design and affect on the rhythm of the terrace.

As promised I have referred to my Client, Ms Charlotte Oades, and she has copied me the documentation you sent directly to her on 24 July 2001. This documentation comprises extracts from your UDP and a compliments slip which advises that you have highlighted the policies you consider relevant, namely: CD40b), CD41c) & f), CD52 and CD53.

I am personally very familiar with your UDP, much of my work is in the northern and central areas of your borough, and very much took its requirements into account when formulating these proposals.

Having received full details even of matters which are not subject to planning control you will be aware that great priority is being given to preserving and enhancing the character of this somewhat damaged building. I strongly refute the suggestion that the proposed roof terrace is in any way inconsistent with this responsible approach. I cannot accept that your UDP was openly intended to prevent the removal of ugly & unmatching concrete tiles over a rear wing and their replacement by the simple form of raising the perimeter walls, to the height of the existing party parapet, to provide a 'valuable small area of open space (UDP 4.4.6) to a home which otherwise has very little garden space and even that is heavily overlooked, overshadowed and dominated by surrounding structures. I enclose a photograph of the view from an upper level of No 22 looking west which gives some impression of how the existing yard is dominated, I also enclose a photograph of one of the other properties in the terrace which shows that this would not be the first (there may well already be others).

Your reference to CD40b) suggests the design is not satisfactory; we have deliberately sought the 'simple dignity and harmony' espoused by UDP 4.4.8, but if you would like to suggest design modifications, consistent with providing an usable roof terrace, we would be happy to consider them. We do not feel reference to CD41c) is justified as the height is limited to that of the existing parapet. Neither is CD41f) applicable, the rhythm of the terrace, a function of the widths of and the spacing between rear wings, is unaffected; you usually cite this policy in response to full width extensions. Regarding CD 52 and 53, we would strongly assert that, albeit at a modest but

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**Comment**

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## Comment

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appropriate scale, the proposal both preserves and enhances the character and appearance of the area, is of a high standard of design and compatible in every way with its local environment.

Subject, therefore, to any design modifications you may wish to suggest, as referred to above, we would request that the application be referred to the appropriate Committee for a decision at the earliest possible date. Perhaps we could have sight of the Officer report to that Committee as early as possible beforehand, a report which should, we respectfully suggest, include the views expressed in this letter.

Yours faithfully,

A handwritten signature in dark ink, appearing to be 'L R Thorne', written in a cursive style.

L R Thorne.

cc.Client.

















THE ROYAL  
BOROUGH OF

# NOTICE OF A PLANNING APPLICATION

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



Notice is hereby given the Royal Borough of Kensington and Chelsea Council have received an application:

KENSINGTON  
AND CHELSEA

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

Details are set out below.

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

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

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

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

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

## SCHEDULE

Reference: PP/01/01380/MC

Date: 29/06/2001

**22 Limerston Street, London, SW10 0HH**

Formation of roof terrace on rear addition at second floor level involving removal of pitched roof and construction of a raised parapet, together with formation of a dormer in rear roof slope to allow access to the roof terrace.

**APPLICANT**                      **Ms Charlotte Jades,**

Surgey.

X



RBKC

# District Plan Observations CONSERVATION AND DESIGN

Address 22 Lnerston Street, Slavo	Appl. No. PP/01/1380/MC	L.B. no	C.A. 16	N C SW
Description Ext. to roof of existing 1ce extension.	Code AS			

The proposed alteration of the simple sloping roof of the existing 1ce extension to a raised square parapet rising above the eaves of the main roof and with associated glazed / lead roof access housing is very objectionable and contrary to CD38, CD39 + ~~CD41c~~ CD41c, and would not be in keeping with the simple pitched roofscape of this particular group of buildings.

The alterations to fenestration on the 1ce elevation are I suspect p.d. - let me know if not + I will add comments then.

Rec - Refusal.

HH 2/7/1

## REASON FOR DELAY

CASE NO. PP/01/1380

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

In the case of this application, there has been a delay of 6 days.....

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

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

*Problem with Acorad whereby  
report was deleted &  
had to be re-typed*

Signed  (Case Officer)

---

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

---

## File Copy

1 2079/ 2080

020-7361- 2079/ 2080

Switchboard: 020-7937-5464

Extension:

Direct Line:

Facsimile:

020-7361-3463

Date: 25 June 2001

My reference:

Your reference:

Please ask for:

My Ref: DPS/DCSW/PP/01/01380/MC

Planning Information Office

Dear Sir/Madam,

## TOWN AND COUNTRY PLANNING ACT 1990

### **Proposed development at: 22 Limerston Street, London, SW10 0HH**

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

### Proposal for which permission is sought

**Works including removal of existing roof over existing main rear extension and the upward building of the perimeter walls to form a new external roof terrace area at rear second floor level to be accessed by a new access enclosure at rear main roof level.**

**Applicant Ms Charlotte Jades, 22 Limerston Street, London SW10 0HH**

Yours faithfully

**M. J. FRENCH**

Executive Director, Planning and Conservation

### **WHAT MATTERS CAN BE TAKEN INTO ACCOUNT**

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

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

### **WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT**

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

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

### **WHAT HAPPENS TO YOUR LETTER**

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

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

### **WHERE TO SEE THE PLANS**

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

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

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

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

**MEMORANDUM**

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**TO: FOR FILE USE ONLY**

**From: EXECUTIVE DIRECTOR  
PLANNING & CONSERVATION**

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**My Ref: PP/01/01380/MC**

**CODE A1**

**Room No:**

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**Date: 25 June 2001**

**DEVELOPMENT AT:**

**22 Limerston Street, London, SW10 0HH**

**DEVELOPMENT:**

**Works including removal of existing roof over existing main rear extension and the upward building of the perimeter walls to form a new external roof terrace area at rear second floor level to be accessed by a new access enclosure at rear main roof level.**

The above development is to be advertised under:-

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

**M.J. French**

Executive Director, Planning & Conservation

# Thorne & Thorne

Architect

With Compliments

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PPU11380

## GROUNDS OF APPEAL.

1 No 22 Limerston Street, SW10 is a mid-Victorian terraced 2 storey plus basement house in a terrace of similar properties situated at the very edge of the Conservation Area. Its entrance is deeply indented, thereby creating, because of the alternate handing of units, a cottage-like image to the projecting portion of each pair of houses when viewed from the front. This characteristic is further reinforced by the overhanging hipped roof over the projecting portion; at the front the rest of the roof is concealed by a small parapet wall. - PHOTO 1.

2 The hipped roof continues to the rear of the property where it is somewhat dischordant with the walls below. Whilst there is a similar parapet wall to that at the front (both concealing a lean-to) approximately on the line of the rear main wall here, extending from it, but at greater width so that it overlaps the hipped roof, is the very basic roof over the rear wing. These, together with the party chimney stack and parapet all collide a little disjointedly - there is simply too much going on, too many different unrelated masses and levels. No 22 suffers additionally from the original slating over its rear wing having been replaced at some time by heavy concrete tiles with consequential sagging of the roof plane. - PHOTO 2.

3 No 22 has never benefited from adequate usable external space. The bottom of its garden is only 2 metres from the end of the rear wing and its yard area, alongside the rear wing, is less than 3 metres wide; essentially a L-shaped corridor of space originally overlooked only by modest Victorian houses. Its usefulness is further diminished by it being on two distinct levels, about one metre height difference, with space used up by the steps between them. - PHOTOS 3, 4 & 5.

4 What enjoyment and benefit these 'garden' spaces provided has been greatly diminished by major development immediately at the edge of the site, the boundary of the conservation area. The garden wall has been raised to a height of 3.8 metres above the upper ( 4.8 metres above the lower) garden level. The wall is topped by a continuous hedge of tree crowns, presumably an optimistic attempt to screen what lies beyond, which further shuts out light and sunshine and creates a very over-powering cliff-like enclosure. - PHOTOS 6 & 7.

5 What does lie beyond is the massive presence of the new Chelsea & Westminster Hospital, on this elevation a lumpen unremitting mass which rises to such a height that it is visible over the top of No 22 from the pavement opposite in Limerston Street. - PHOTOS 8, 9, 10, 11 & 12.

6 In the Borough with the highest residential density in the country a little usable private garden space is precious to a family house. It is therefore extremely disadvantageous that the effectiveness of this space has been diminished by adjacent development and ironic that part of that development is a communal garden, immediately adjacent to No 22, which appears to have no potential users. - PHOTO 13.

7 Where this private garden space can be replaced, in harmony with the building form, in a manner which would be of great benefit to the household, without prejudicing the privacy of neighbours, nor affecting their levels of sunlight or daylight, whilst enhancing, albeit modestly, the character of the building and the conservation area, it would be unreasonable not to permit it to proceed. No 22 has, by virtue of its context, the great advantage of being such a case.

8 The rear wing of its neighbour across the yard area has no openings to its flank at either first or upper ground floor levels. - PHOTO 14. Its openings to the main rear wall are as distant as they could be from the party boundary - see new drawing No 609. By simply raising the height of the rear and flank walls of the rear wing to the existing height of the party parapet, a small terrace can be enclosed. The very slight risk of loss of privacy to No 24 can be avoided by the provision of a fixed planter in the relevant corner of the terrace; a solution promoted....





13 | CD52 requires proposals to preserve or enhance the character or appearance of the area; it is our assertion that, at a very modest level, the replacement of an untidy clutter of materials and forms by a simple walled enclosure will enhance both character and appearance by clarifying that it is the main building that is dominant and its hipped roof which is the major roofing form.

14 | CD53 lists all criteria to be considered in relation to judging the appropriateness of a design. The LPA refrain from revealing which of the six sub-paragraphs they consider the design fails to satisfy; it is our assertion that all are satisfied in an appropriately simple and modest way.

15 | Reason for Refusal No 1 asserts,

- 1.) that the proposal would result in the rear 'addition' rising higher than the eaves of the house. The roof of the rear wing already does rise higher, and in a far more visually disruptive manner, the raised walls are proposed only to rise to the existing height of the party parapet wall, and,
- 2.) that it would disrupt the even rhythm of rear additions. This objection is usually raised in relation to the width of rear extensions, particularly full width proposals, rather than the simple levelling off of height proposed here. Firstly, it should be noted that there already exist other wings in the terrace which are topped by a parapet wall. - PHOTOS 15 & 16. It is also relevant that, because of adjacent buildings, the rear of the terrace can only be seen in short lengths rather than in its entirety as applies at the front. The responses we have made earlier again apply in relation to the citing of CD40, CD52 & CD53. In relation to CD41, again the LPA do not reveal which section they feel applies, here we have nine sections. It is our assertion that none apply. Most obviously do not, c) cannot as it refers to extensions rising above rear "eaves or parapet", d) cannot as, we contend, the simplification reinforces the rear wing's subordination to the main building, f) relates to "even rhythm" and clarifies that this is generally to do with width.

16 | In addition to Photos 15 & 16, referred to above, there already exist roof terraces in Limerston Street - PHOTO 17 - and balconies - PHOTO 18. Similarly, the adjacent Gertrude Street, whose rear boundary also defines the Conservation Area and encloses the hospital, has numerous roof terraces - PHOTOS 19, 20 & 21.

17 | Although not included in the reasons for refusal CD 28 is included in the 'Informatives'. It is difficult to understand the relevance of this inclusion as there can be no question that the proposal has any real affect on the levels of sunlight and daylight enjoyed by its neighbours.

18 | CD41 performs a very important role in guiding the LPA's consideration of extensions & alterations to existing buildings. It is introduced by paragraph 4.8 which states that,

"Buildings in the Borough are frequently difficult to extend without affecting the light, privacy and outlook of adjoining buildings", and

"Where they overlook communal gardens these (rear) elevations may be of as much importance as the front", and

Rear elevations "...often have a simple dignity and harmony which makes them attractive."

We believe that the setting of No 22 is such that it is possible to provide it with a roof terrace extension, creating precious open space for its occupants, without any harmful affects on its neighbours and in a manner which enhances and clarifies its design and its contribution to the character of the conservation area.

**GROUND OF APPEAL, Page 4.**

We believe that the proposal before you is such a design and that this appeal should be upheld because the refusal, and reasons to justify it, made by Officers of the LPA are not appropriate in this case.