

PLANNING AND CONSERVATION

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Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Dr Thomas Miskell
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11 June 1999

My reference: DPC/DCN/PP/IW Your reference:
/99/1030

Please ask for: Roy Thompson

Dear Dr Miskell,

Town and Country Planning Act, 1990
Internal alterations at lower ground floor garage
Planning application PP/99/1030

Thank you for your letter dated 3 June 1999, concerning the above planning application. I have treated your letter as an objection letter, and you should have received my standard letter acknowledging receipt of your representation. However, below I extend to you the courtesy of a full response to your letter.

Your comment in respect of Ian Williams naively accepting the developer's storey is incorrect. An enforcement file has been made up and an investigation initiated. Mr Williams has kept an open mind about the use of the garage and the physical alterations that have taken place. He is now charged with evaluating the listed building consent application which the developer has chosen to submit.

I have looked at the planning records to establish whether there are any planning controls which either prohibit the use of the garage other than for domestic purposes, or by a person other than a resident or from the local area. Having fully researched the planning history I find that the building was approved in 1937, with a revision in 1938. The approvals included two relevant conditions: one that the garage should be retained for the use of private cars only, and the other that no machinery shall be installed in the garage nor any petroleum spirit supplied to calling or passing vehicles. There are no conditions which restrict the occupation of the garages to residents or local people.

The listed building application relates solely to the impact of the physical works that have taken place, and the recommendation will be based upon the impact on the historical or architectural fabric of the building. The use of the garage is a separate issue, and Mr Williams is currently investigating the circumstances which underpin this issue. He will advise you of his findings when completed. However, I would stress that I cannot take action purely because a person from outside the area is using the garage. The key issue is the purpose to which the garage is being put.

Thank you for your interest in this matter, and I will ensure that you are advised of the outcome of the listed building application and the enforcement investigation.

Yours sincerely,



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

c.c. Ian Williams - Planning Enforcement Officer

Westway.doc

Flat 6
65 Ladbroke Grove
London W11 2PD

Your Ref: DPS/DCN/LB99/01030/TW

*RT for
myself
4/6*

3rd June 1999

The Executive Director
Department of Planning and Conservation
Royal Borough of Kensington and Chelsea
The Town Hall
Hornton St.
London W.8

*copy done
5/10/99
JFR.*

cc. Mr. Silva, Department of Building Control
Councillor R. Walker-Arnott
Councillor E. Tomlinson

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Dear Mr. French,

I write as Chairman of the Committee of the Residents Association 65 Ladbroke Grove regarding the above application for planning permission..

The property concerned is a Grade II listed building, a 1938 block with 16 flats, a penthouse and in the basement a caretaker's flat, a store room demised to the penthouse, a box room for the other leaseholders and four garage spaces.

Traditionally, the garage spaces have been used by the resident of the penthouse and other residents on a first-come, first served basis. One resident acquired (probably superfluously) a lease on her garage space in the 1970s. As a quid-pro-quo the users of the garage spaces paid a share of the rates and water rates. When the former were abolished the latter also ceased to be demanded.

In the mid-1970s it was established that the spaces could not be let to non-residents, as there are safety and security implications for the whole block. According to the lease all the residents through the service charge contribute to the lighting, maintenance, etc of the garage and forecourt, from which it can be deduced that this is hardly to be for the benefit of third parties or the aggrandisement of the freeholder to whom the spaces are only nominally demised.

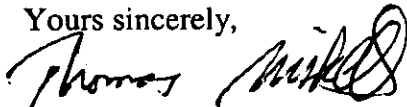
Earlier this year the freeholder without reference to the other residents let a garage space which had become vacant to a non-resident. This person is a professional property developer, who proceeded to partition off the garage space and use it as a builder's storeroom. The lease (and presumably Council zoning laws) prohibits any commercial activity in the block. Operatives of the building firm have been coming and going and diminishing the quality of life in the block.

When I made an official complaint the enforcement officer, Mr. Ian Willimas called, but declined to take any action, having accepted the property developer's story that he would eventually use the space as a garage. We consider this to have been naïve. Now an application has been lodged for a permanent partition. Aside from the security implications there are other objections. A partition would block access to drains, piping, wiring, etc. which, I understand, are matters for the Department of Building Control.

I would put it to you, however, that the proposed alterations are in aid of supplying a person from outside the area with a parking space while depriving a resident of Ladbroke Grove of one. This in itself provides grounds for rejection.

Moreover, the trustee and the residents are instituting legal moves to invalidate the contract entered into between the freeholder and the property developer, whose name (Peter Adey?, Adie?), incidentally, does not appear on the application. No planning consent should be granted until the matter is resolved.

Yours sincerely,

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

Dr. Thomas Miskell, Chairman, Residents Association 65 Ladbroke Grove