

# PLANNING SERVICES APPLICATION

## CONSULTATION SHEET

### APPLICANT:

Francis P. Gonzalez Associates,  
8 Montague Road,  
Ealing,  
London,  
W13 8HA

APPLICATION NO: PP/04/01934

CASE OFFICER: Mr.I. Williams

APPLICATION DATED: 30/07/2004

DATE ACKNOWLEDGED: 20 August 2004

APPLICATION COMPLETE: 19/08/2004

DATE TO BE DECIDED BY: 14/10/2004

SITE: 10 Lansdowne Walk, London, W11 3LN

PROPOSAL: Form rear landing and access staircase to garden to replace existing structure.

### ADDRESSES TO BE CONSULTED

1. James Astor, Chairman - Hanover Gardens Committee, 16 Lansdowne Road, W11 3LL

2.

3. 8, 9, 10a, 11 Lansdowne Walk

4.

5. 12 Lansdowne Road

6.

7. 70, 72 Ladbroke Road

8.

9.

10.

11.

12.

13.

14.

15.

+ 14 mg.

### 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/Cross Rail Line 2

Victorian Society

DTLR Dept. Transport Loc.Gov.& Regions

Transco National Gas Pipelines

### 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

Wind Turbines/Farms

✓

on.

23/8.

23/8  
X  
16

**Royal Borough of Kensington and Chelsea**  
**GGP Point in Polygon Search Results**  
**Corporate Land and Property Gazetteer at 3rd February 2004**  
**Buildings and their Units**

Residential Building		70	Ladbroke Road	W11 3NS
Residential Building		72	Ladbroke Road	W11 3NS
Residential Building		12	Lansdowne Road	W11 3LW
Residential Building		8	Lansdowne Walk	W11 3LN
Building Shell		9	Lansdowne Walk	W11 3LN
Residential Unit		9	Lansdowne Walk	W11 3LN
Residential Unit	Flat A	9	Lansdowne Walk	W11 3LN
Residential Unit	Flat B	9	Lansdowne Walk	W11 3LN
Residential Unit	Flat C	9	Lansdowne Walk	W11 3LN
Building Shell		10	Lansdowne Walk	W11 3LN
Residential Unit		10	Lansdowne Walk	W11 3LN
Residential Unit	Basement Flat	10	Lansdowne Walk	W11 3LN
Building Shell		11	Lansdowne Walk	W11 3LN
Residential Unit	1st Floor Flat	11	Lansdowne Walk	W11 3LN
Residential Unit	2nd Floor Flat	11	Lansdowne Walk	W11 3LN
Residential Unit	Garden Flat	11	Lansdowne Walk	W11 3LN
Residential Unit	Ground Floor Flat	11	Lansdowne Walk	W11 3LN

**Total Number of Buildings and Units Found 17**

# DEVELOPMENT CONTROL

## TECHNICAL INFORMATION

THE ROYAL  
BOROUGH OF



M.L  
KENSINGTON  
AND CHELSEA

ADDRESS 10 LANSDOWNE WALK

POLLING DISTRICT N O B

PPJ41934

HB	Buildings of Architectural Interest	LSC	Local Shopping Centre
AMI	Areas of Metropolitan Importance	AI	Sites of Archeological Importance
MDO	Major Sites with Development Opportunities	SV	Designated View of St. Paul's from Richmond
MOL	Metropolitan Open Land	SNCI	Sites of Nature Conservation Importance
SBA	Small Business Area	REG 7	Restricted size and use of Estate Agent Boards
PSC	Principal Shopping Centre (Core or Non-core)	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
✓3			✓ k8						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:

**10 LANSDOWNE WALK**

Property Card N° : 0494 017 00

Sitename :

PP041934

Comment :

TP Arch/History :

See Also :

Xref :

Notes : SEE CASE 4

ENFORCEMENT NOTICE AUTHORIZED

TP No TP/88/0241 Brief Description of Proposal 1 of 4

ERECTION OF A FRONT BASEMENT EXTENSION, FRONT ELEVATIONAL  
ALTERATIONS INCLUDING A SECOND FLOOR FRONT EXTENSION,  
REAR CONSERVATORY EXTENSION OVER EXISTING TERRACE AND  
ALTERATIONS AT REAR SECOND FLOOR LEVEL

Received 28/01/1988 Decision &amp; Date

Completd 03/02/1988 Conditional

20/05/1988

Revised 25/04/1988

TP No TP/90/1332 Brief Description of Proposal 2 of 4

ERECTION OF EXTENSION AT FRONT AT 2ND FLOOR LEVEL IN  
PLACE OF EXISTING MANSARD ROOF SLOPE.

WITHDRAWN BY COUNCIL LETTER

28/1/91

Received 01/06/1990 Decision &amp; Date

Completd 20/07/1990 Withdrawn

28/01/1991L

Revised

TP No EN/ / Brief Description of Proposal 3 of 4

SECTION 171C TOWN AND COUNTRY PLANNING ACT 1990  
PLANNING CONTRAVENTION NOTICE RE 10/10A LANSDOWNE WALK  
SUSPECTED BREACH OF PLANNING CONTROL: WITHOUT PLANNING  
PERMISSION THE INSTALLATION OF UPVC WINDOWS AND FRONT DOORS.

Received

Decision &amp; Date

Completd

Contravention Notice

30/03/2004

Revised

TP No / / Brief Description of Proposal 4 of 4

NB: RECOMMENDATION TO ISSUE AN ENFORCEMENT NOTICE PURSUANT TO  
SECTION 172 TOWN AND COUNTRY PLANNING ACT, 1990 RELATING TO  
THE INSTALLATION OF METAL BALCONY/VERANDA AND STAIRCASE AT  
REAR UPPER GROUND FLOOR LEVEL.

Received

Decision &amp; Date

Completd

08/07/2004

Revised

## 9 &amp; 10 LANSDOWNE WALK

Property Card N° : 0494 016 00

Sitename :

PP041934

Comment :

TP Arch/History : 20858 H 4183

See Also : Ind. Nos.

Xref :

Notes :

TP No Brief Description of Proposal 1 of 5

IN PRINCIPLE - REBUILD 9 OR 10 EACH AS A BLOCK OF 2 OR 3 S/C  
LETTINGS, OR AS A BLOCK OF 4 OR 6 S/C FLATS ON JOINT SITE.

Received 26/10/1949 Decision &amp; Date

Completd Conditional 30/11/1949

Revised

TP No Brief Description of Proposal 2 of 5

ERECT 3 BUILDINGS EACH AS BASEMENT FLAT, GARAGE,  
MAISONETTE AND 2ND FLOOR PENTHOUSE WITH FORMING  
ACCESSES TO GARAGES.

Received 26/07/1951 Decision &amp; Date

Completd Conditional 01/11/1951

Revised

TP No Brief Description of Proposal 3 of 5

ERECT 3 TERRACE PROPERTIES EACH AS S/C FLAT, A  
MAISONETTE AND A GARAGE WITH FORMING ACCESSES THERETO.

Received 20/04/1953 Decision &amp; Date

Completd Conditional 18/06/1953

Revised

TP No TP/91/0418 Brief Description of Proposal 4 of 5

ALTERTAION TO THE MANSARD ROOF SLOPE

Received 08/01/1991 Decision &amp; Date

Completd 19/03/1991 Conditional 07/06/1991

Revised

## 9 &amp; 10 LANSDOWNE WALK

Property Card N° : 0494 016 00

Sitename :

Comment :

TP Arch/History : 20858 H 4183

See Also : Ind. Nos.

PP041934

Xref :

Notes :

TP No TP/91/0419 Brief Description of Proposal 5 of 5

PARTIAL DEMOLITION OF THE FRONT MANSARD SLOPE TO  
PROVIDE AN EXTENSION  
WORK ONLY CARRIED OUT TO NO.10.Received 06/03/1991 Decision & Date  
Completd 19/03/1991 Conditional  
Revised CAC

07/06/1991

Works  
Completed  
Y 31/03/1993

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> Any Queries Please Phone 0207 361 2199/2206/2015 <  
> Fax Requests (FOA Records Section) 0207 361 3463 <

10 & 11 btwn LANSDOWNE WALK

Property Card N° : 0494 018 00

Site name :

Comment :

TP Arch/History :

See Also : 11 & 9/10 11A

PP 041934

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xref      :
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Notes :

TP No	Brief Description of Proposal	1	of	1
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ERECT BUILDING AS S/C BASEMENT FLAT, GROUND/1ST  
FLOOR MAISONETTE.

Received  
Completd  
RevisedDecision & Date  
Refused

09/03/1972

> Any Queries Please Phone	0207 361 2199/2206/2015	<
> Fax Requests (FOA Records Section)	0207 361 3463	<



# Appeal Decision

Site visit made on 19 July 2005

by **Mark Balchin** BA(Hons) MRTPI

an Inspector appointed by the First Secretary of State

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

Date

**10 AUG 2005**

**Appeal Ref: APP/K5600/A/05/1178216**

**10 Lansdowne Walk, London W11 3LN**

- 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 Mr and Mrs J Carey against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application (Ref.PP/04/01934/CHSE), dated 30 July 2004, was refused by notice dated 14 October 2004.
- The development proposed is 'form rear landing and access staircase to garden to replace existing structure'.

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

## Procedural Matters

1. I am aware from the evidence and from my inspection that the landing and stairs to be replaced have already been removed. Also, the replacement structure that has been erected does not mirror the proposal that is the subject of this appeal. I have considered the merits of the appeal proposal only. The replacement conservatory, which has been constructed, does not form part of the proposal.
2. I note that the appellants propose to remove the proposal for the erection of a trellis on top of the boundary wall with no.11A Lansdowne Walk. However, as this formed part of the application which was considered by the Council, I must determine the appeal with the trellis included.

## Main Issues

3. I consider that there are two main issues in this case. They are the effect of the landing and staircase on:
  - the character and appearance of the Ladbroke Conservation Area; and
  - the living conditions of the occupants of no.11A Lansdowne Walk in terms of privacy.

## Planning Policy

4. The development plan includes The Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), which was adopted in May 2002. The following policies are most relevant to the main issues. Principal Strategic Policy STRAT 10 seeks, among other things, to preserve and enhance the character or appearance of Conservation Areas, while Policy STRAT 11 promotes high environmental and architectural design standards in new developments and additions to existing buildings.



5. Policy CD27 seeks to ensure that all development is of a high standard of design, while Policy CD35 requires development to be designed to ensure sufficient visual privacy of residents. Policy CD36 seeks to resist development that would increase the sense of enclosure to nearby dwellings.
6. Policy CD47 seeks to resist proposals for extensions if, among other things, the extension would extend rearward beyond the existing general rear building line of any neighbouring extensions; and if there would be a significant increase in overlooking of neighbouring properties. Policy CD50 indicates that alterations will only be permitted where the external appearance of buildings or the surrounding area would not be harmed. Policy CD51 seeks to resist small-scale developments where they cause harm or where cumulatively similar proposals would be detrimental to the character of the area.
7. The following policies relate to development in conservation areas. Policy CD61 indicates that any development in a conservation area should preserve and enhance the character or appearance of the area. Policy CD62 seeks a high standard of design, and development should be compatible with, among other things, character, scale and pattern; bulk and height; proportion and rhythm; and materials of surrounding development.
8. I have also been provided with an extract from the Council's Ladbroke Conservation Area Proposals Statement (PS). In respect of rear extensions, it states that special consideration will be given to the relationship of the proposal with the design of the whole elevation. Unless it can be demonstrated that the extension complements the original concept, it is unlikely to be acceptable. As the PS has been subject to consultation and been formally adopted by the Council, I accord it significant weight.

#### **Reasons**

9. The appeal property lies within the Ladbroke Conservation Area. It is at one end of a small post-war group of dwellings in a larger terrace comprising mainly Victorian dwellings. A more modern infill dwelling, no.11A Lansdowne Walk, adjoins on the south-west side. The proposal envisages the construction of a landing from the central doors of a conservatory, with three steps down to a staircase. This would run adjacent to a boundary wall, down to garden level. Previously, access to the garden was obtained via a side door in an earlier conservatory and stone steps, adjacent to the same wall.

#### ***Character and Appearance***

10. From my inspection, I consider that the rear elevations of the properties in Lansdowne Walk make an important contribution to the character and appearance of the Conservation Area. However, because of the different ages and designs of these properties, there is no common rear building line. There are groups of buildings that have similar characteristics and the terrace, within which the appeal property lies, has a high degree of uniformity. The exception to this uniformity is the conservatory, from which a new access is now proposed.
11. Notwithstanding that exception, I consider that it is important, for the maintenance of the existing character and appearance, that the general uniformity should be retained. The existing conservatory already extends outwards more than the small balconies on the adjoining properties in the group and, in my view, the additional protrusion proposed would cause harm to the appearance of the rear of this group of dwellings. It is this harm that the policies of the UDP and the guidance in the PS seek to avoid.

12. I do not accept the appellants' argument that the proposal should be assessed against the general rear building line in the terrace. There are variations in this line because of the variety of house designs in the street, and the rear portions of some properties do project beyond the rear of the appeal building. However, I consider that in the interests of the character of the rear of the post-war group, its own rear building line should be respected. Although I agree with the Council that the detailed design and materials proposed are acceptable, I do not support the appellants' claim that the character of the terrace would not be affected by the projection of the landing. Neither do I agree that the proposal replicates the staircase and landing at the adjoining properties. These are very different in nature and design.
13. With regard to the trellis fence on the boundary with no.11A, I agree with the Council that it would both increase the height of the enclosure and would be incompatible with the boundary treatment in the vicinity. This adds to my concern about the adverse impact of the proposal on the appearance of the area.
14. On the first issue, I conclude that the landing and staircase would have a harmful effect on the character and appearance of the Ladbroke Conservation Area. The proposal would therefore conflict with Policies SRTAT 10, STRAT 11, CD27, CD36, CD47, CD50, CD51, CD61 and CD62 of the UDP and guidance in the PS.

#### *Living Conditions*

15. During my inspection, the main parties agreed the approximate position and height of both the previous stone steps to the garden and the proposed replacement staircase, in relation to the staircase which had been installed. This helped me to assess the likely impact of the proposal on the occupants of no.11A, particularly in relation to the situation when the stone steps were used.
16. In my opinion, from the proposed steps there would be direct views towards both the conservatory at basement level and the large windows at ground floor level at no.11A. Bearing in mind the proximity of no.11A to the proposed staircase, I do not consider that this relationship would be satisfactory in terms of the privacy of the occupants of that property. In my opinion, the opportunity for overlooking would be significant. It is probable that there would have been some overlooking from the previous arrangement for gaining access to the garden. However, as the steps were lower, the effect on privacy would have been less. I do not accept the claim that the introduction of a short winding section at the top of the stairs would significantly reduce the effect of overlooking.
17. While I accept that the introduction of a trellis would help to reduce the impact on the adjoining residents, for the reasons that I have set out above, I do not consider that such boundary treatment would be acceptable in these surroundings.
18. On the second issue, I conclude that the landing and staircase would have a harmful impact on the living conditions of the occupants of no.11A Lansdowne Walk in terms of loss of privacy. The proposal would therefore conflict with Policies CD35 and CD47 of the UDP.
19. In reaching my decision, I have had regard to the fact that Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of conservation

areas. I conclude that the development would fail this statutory test, and would therefore conflict with the policies set out above.

**Conclusion**

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

**Formal Decision**

21. I dismiss the appeal.

*Mark Zahedi*

INSPECTOR

# Francis P. Gonzalez M.R.I.C.S.

PP 041934

Chartered Building Surveyor  
Architectural & Design Services

8 Montague Road  
Ealing  
London W13 8HA  
Tel 0208 998 9274  
Fax 0208 810 7299  
Mobile 07831411631

**Attention: Brian Roche**

The Royal Borough of Kensington and Chelsea  
Department 705, Room 325  
The Town Hall  
Hornton Street  
London W8 7NX

TA/pend/BR  
FPG/04/10LW/planning

17<sup>th</sup> August 2004

Dear Sirs

**Re: 10 Lansdowne Walk, London W11**

Thank you for your letter of the 3<sup>rd</sup> August 2004 received on the 6<sup>th</sup> August 2004. We express some concerns as to the content as follows:

The conservatory was replaced but in order to regularise matters we wish to include this replacement in the application. However we refer you to the copy letter attached from Kevin Plaster and in particular to the highlighted 5<sup>th</sup> paragraph, which appears to indicate that the conservatory does not constitute a material alteration sufficient to warrant any further attention. However for the purposes referred above we confirm the conservatory is included in the application.

Of greater concern is the request to pay the £110.00 for an application fee. This was paid in person at the reception of the Planning offices in the Town Hall. The lady on duty issued a receipt from the receipt book and our client has that receipt. We ask you look further into this matter.

We trust this confirms the additional information requested.

Yours faithfully

Francis Gonzalez

— phoned Mr. Gonzalez  
— Conservatory is not to be included as

EX	HDC	TP	CAC	AD	CLU	AP
DIR						
R.B.	18 AUG 2004				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

part of application  
following my conversation  
with Kevin Plaster. BR.  
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**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

PP 041934

**THE ROYAL  
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

**KENSINGTON  
AND CHELSEA**

Frances P. Gonzalez,  
8 Montague Road,  
Ealing,  
London,  
W13 8HA

Switchboard: 020 7937 5464  
Extension: 2982  
Direct Line: 020 7361 2982  
Facsimile: 020 7361 3463  
Email: kevin.plaster@rbkc.gov.uk  
Web: www.rbkc.gov.uk

08 July 2004

My reference: DPS/DCN/KDP/  
E/03/0260

Your reference:

Please ask for: Kevin Plaster

Dear Mr Gonzalez,

**Town and Country Planning Act 1990**  
**10/10a Lansdowne Walk, London, W11**

I refer to the erection of a veranda/balcony and stairs at the rear, a UPVC replacement conservatory and UPVC windows at the above-mentioned property.

The purpose of this letter is to clarify the planning implications in these matters following the receipt of a completed Planning Contravention Notice received on 16<sup>th</sup> June 2004 and advise of the next course of action.

Peter Tigg's drawing referred to by you drawing no. LW/10A was in fact not the approved drawing. There was a later revision drawing no. LW/10B, which is the approved drawing. This later drawing is not annotated to include the words 'powder coated aluminium' but in fact states 'Double glazed with white finished framing to manufactures' detail'. Nonetheless, your written statement made in the response to the PCN does indicate that UPVC windows were inserted when the 1988 planning application was completed in 1989 and were in existence when the alterations in 1998 to the basement were undertaken and no material alteration has occurred to them since.

In the circumstances, based on the information submitted in response to the PCN, as the windows have been in situ in excess of four years they are therefore immune from planning enforcement action.

As the UPVC windows now form a characteristic of the premises, the replacement UPVC conservatory being not materially different to the dimensions of the timber conservatory granted in 1988, is considered an alteration where it is not expedient to take any further action.

However, the balcony/veranda and staircase, which has been constructed in front of the conservatory, has resulted in a protrusion past the general building line of the terrace in which it is located and increases amenity problems in terms of overlooking and privacy to the neighbouring properties. Your clients, Mr & Mrs Carey, were advised of this in a letter dated 22<sup>nd</sup> September 2003 and requested to remove the balcony/veranda and staircase.



# Francis P. Gonzalez Associates

Building Construction  
Surveying & Design Services

3  
8 Montague Road  
Ealing  
London W13 8HA  
Tel 0208 998 9274  
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PP041934

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

DPS/DCN/KDP/E/-3/0260  
FPG/04/10LW/planning

30<sup>th</sup> July 2004

Dear Sirs

**Re: 10 Lansdowne Walk, London W11**

Please find attached application in respect of the proposed alterations to the works carried to the rear of the above property.

We enclose the duly completed application forms and required fee and 4 copies of the site plan. Additionally we attach 4 copies of each of the drawings in accordance with the listed schedule:

FPG/02/10LW/SO1 Removal of approved conservatory and concrete external stairs carried out in September 2003.

FPG/10LW/1 Unauthorised erection of conservatory and gantry/balcony.

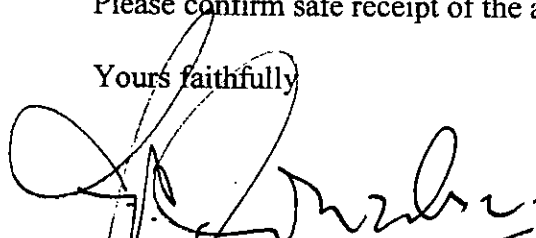
FPG/04/10LW/2a Proposed regularisation works to landing and stairs.

FPG/04/10LW/4 Existing ground floor plan and proposed floor to landing.

Please note that the balcony will not be retained. However the need to provide a landing allows us the opportunity to commence the stairs considerably sooner thus reduces the direct view into the adjoining property. We also would propose to erect an open trellis to further mask the view.

Please confirm safe receipt of the application.

Yours faithfully

  
Francis Gonzalez

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		- 2 AUG 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
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Please ask for: Kevin Plaster

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FPG/04/10LW/planning

30<sup>th</sup> July 2004

Dear Sirs

**Re: 10 Lansdowne Walk, London W11**

Please find attached application in respect of the proposed alterations to the works carried to the rear of the above property.

We enclose the duly completed application forms and required fee and 4 copies of the site plan. Additionally we attach 4 copies of each of the drawings in accordance with the listed schedule:

FPG/02/10LW/SO1 Removal of approved conservatory and concrete external stairs carried out in September 2003.

FPG/10LW/1 Unauthorised erection of conservatory and gantry/balcony.

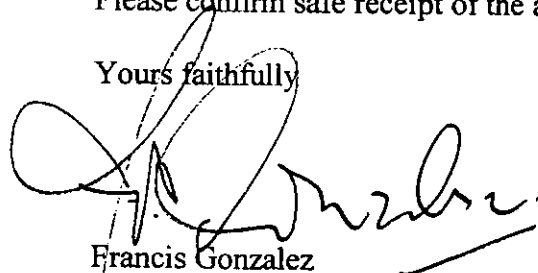
FPG/04/10LW/2a Proposed regularisation works to landing and stairs.

FPG/04/10LW/4 Existing ground floor plan and proposed floor to landing.

Please note that the balcony will not be retained. However the need to provide a landing allows us the opportunity to commence the stairs considerably sooner thus reduces the direct view into the adjoining property. We also would propose to erect an open trellis to further mask the view.

Please confirm safe receipt of the application.

Yours faithfully



Francis Gonzalez

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		- 2 AUG 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
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# The Planning Inspectorate

3/19 Eagle Wing  
Temple Quay House  
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Bristol BS1 6PN

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

Direct Line 0117-3728715  
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Fax No 0117-3728181  
GTN 1371-8715

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

Your Ref: DPS/DCN/PP/04/01934  
Our Ref: APP/K5600/A/05/1178216  
Date: 9 June 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR & MRS J CAREY  
SITE AT 10 LANSDOWNE WALK, LONDON, W11 3LN**

I enclose a copy of the appellants statement and all third party correspondence relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than the **30<sup>th</sup> June 2005**. You should comment solely on the representations enclosed with this letter.

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

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

Yours faithfully

Miss Susan Dibble

211AL(BPR)

84

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		10 JUN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
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**Mark S. Sears**  
**Occupier, 9 Lansdowne Walk**  
**London W11 3LN**

20 May 2005

The Planning Inspectorate  
Room 3/19 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

EX	HDC	TP	CAC	AD	CLU	AO
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N	C	S::	SE	APP	IO	REC
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RE: ODPM Reference App/K5600/A/05/1178216

I am a tenant of the property located at #9 Lansdowne Walk, London W11. My Landlord has asked that I provide to you a representation regarding the planning permission request that is under appeal for the property adjoining our occupancy (#10 Lansdowne Walk).

Please be aware of the following:

- The reception room extension that has been built at #10 Lansdowne Walk extends beyond the building line on the south side of the adjoining properties (#9 and #11a Lansdowne Walk).
- It is possible for someone standing in this extension at #10 to see directly into the living area of #9 Lansdowne Walk.
- The reception room extension and balcony that have been constructed at #10 Lansdowne Walk are visible when looking out from #9 Lansdowne Walk.

Yours truly,



Mark S. Sears

cc: Nancy Lajam, Owner #9 Lansdowne Walk

2<sup>nd</sup> Floor Flat  
11 Lansdowne Walk,  
London W11 3LN

ODPM's Reference: App/K5600/A/05/1178216

The Planning Inspectorate,  
Room 3/19 Eagle Wing,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol BS1 6PN

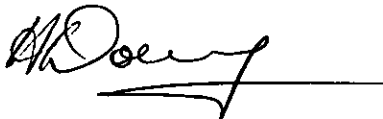
25<sup>th</sup> May 2005

Dear Sir,

**Planning Appeal relating to 10 Lansdowne Walk, London W11 3LN**

After seeing and considering the appellant's reply to the Council's reasons for refusal, I have seen nothing that would change my opposition to the landing/balcony and staircase in my letter of 5<sup>th</sup> September 2004 to the Planning Officer at the Town Hall.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'H. C. Doery', with a horizontal line extending to the right.

Miss H. C. Doery

# 11A Lansdowne Walk, London, W11 3LN

OTPM Reference: APP/K5600/A/05/1178216

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The Planning Inspectorate  
3/19 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PF

23rd May 2005

Dear Sir/Madam,

## **Town and Country Planning Act 1990**

### **Notice of a Planning Appeal relating to : 10 Lansdowne Walk, London, W11**

#### **3LN**

1. I am the neighbour of the Appellants. I repeat the objections to the application set out in my letter of 6<sup>th</sup> September 2004. In summary, I object because the proposed development intrudes upon my privacy, my sense of security and is damaging to the character or appearance of the area because it extends rearward beyond the existing general rear building line of neighbouring extensions and creates a sense of enclosure to my garden and causes a significant increase in overlooking of my home and garden. Please note, also, in order to avoid any misunderstanding, that my surname is as set out at the foot of this letter and not as set out in the letter from RBKC dated 22<sup>nd</sup> April 2005 giving notice of the Planning Appeal. The headings which follow refer to the headings in the Appellants' Grounds of Appeal.
2. Please send me a copy of the Inspector's decision letter when it is available.

3. I note that Section 54A of the Town and Country Planning Act 1990 requires the planning application (and hence this appeal) to be determined in accordance with the Unitary Development Plan unless material considerations indicate otherwise. I draw to your attention that the Appellants do not argue in their Grounds of Appeal that material considerations do, in fact, indicate otherwise. Rather, it is clear from the Grounds of Appeal that the Appellants seek to bring themselves within the policies to which they refer. Furthermore, I note from paragraph 1.1.1 of the Unitary Development Plan that the effect of Section 54A is that:

**“This means that there is a presumption in favour of development proposals which are in accordance with the Plan, whilst those clearly in conflict with the Plan should not prevail.”**

It is manifest that the proposals are not in accordance with the Plan and are clearly in conflict with the Plan. It follows that the decision of the Council dated 15<sup>th</sup> October 2004 was correct and the appeal must be dismissed.

4. You will see from my letter dated 6<sup>th</sup> September 2004 addressed to RBKC that I made a number of suggestions which would ameliorate the position from my standpoint. I note that save in one respect (the proposed trellis) the Appellants have chosen to ignore my suggestions. Thus, save in respect of the trellis, the Planning Inspectorate has for consideration, precisely that which the Council considered and rejected.

**CD 35**

5. CD 35 provides:

**“To require development to be designed to ensure sufficient visual privacy of residents...”**

The Appellants are correct to say that 11A Lansdowne Walk (my house) is a later addition. However, the Appellants are entirely wrong in asserting that “The original balcony and staircase would have had a similar outlook on the adjoining dwelling.”

When considering the planning application which led to the construction of my house, the Council would have considered the gantry or veranda and staircase **then** in situ which is not that there now nor is it the structure the subject of this appeal. There is nothing to stop Mr and Mrs Carey reverting to the structure in situ at the time when my house was constructed. Further, the opening light at the west end of the conservatory could be fixed and the glazing obscured. However, that is not within the application the subject of this appeal. That feature of the proposed development causes me concern for my security (as a widow living alone) and my privacy.

Last, it may be that the:

**“Appellants consider(s) that the new gantry and replacement staircase does not have a significant increase in overlooking.... the original structure and the effect should be deemed as neutral”**

However, that assertion is factually wrong. So far as I am aware, neither the Appellants nor their advisors know of what they assert because they have not visited my property and seen the extent to which overlooking occurs from the current structure and would continue to occur if you allow their appeal. The proposals (which I believe to be reasonable) which I made in my letter of 6<sup>th</sup> September 2004 would, if accepted by the Appellants, have gone some way to reducing my concerns.

6. As you will be aware, under Article 8 of the European Convention on Human Rights, I have a right to respect for my private and family life and my home. The application, the subject of the appeal, is not designed to ensure sufficient visual privacy of residence (CD 35) and the proposed landing/balcony and staircase protrude sufficiently beyond the general building line of the terrace, such as to endanger my privacy, my family life in my garden (when visited by my children and grandchildren) and my home.



**CD 47**

7. CD 47 provides:

**“To resist proposals for extensions if:**

- (a) the extension would extend rearward beyond the existing general rear building line of any neighbouring extensions;**
- (b) the extension would significantly reduce garden space of amenity value, or spoil the sense of garden openness when viewed from properties around...**
- (e) on the site boundary, the extension would cause an undue cliff-like effect or sense of enclosure to neighbouring property;**
- (f) the extension would spoil or disrupt the even rhythm of rear additions. Full width extensions will not usually be allowed;**
- (h) there would be a significant increase in overlooking of neighbouring properties or gardens;”**

Whilst the Appellants are correct in saying that there are substantial rearward extensions in Lansdowne Walk, there are very few (and none in the immediate vicinity) which extend beyond the rearmost line of their proposed gantry. Moreover, the Appellants’ argument fails to take into account the different natures of construction. The terrace is partly Victorian and partly (Nos.9, 9A and 10) post Second World War, having been constructed on a bomb site. The modern houses are thus a terrace within a terrace and none of them (save number 10) project any further than the others. Thus, contrary to CD 47(a), the extension would extend rearward beyond existing general rear building of neighbouring extensions. Further, in relation to my premises, the extension would cause an undue cliff-like effect and a sense of enclosure to my property (CD 47(e)) and will disrupt the even rhythm of rear addition (CD 47(f)). Last, as set out in paragraphs 5 and 6 above, the proposal will undoubtedly create a significant increase in the overlooking of my property and garden.

### CD 61 and CD 62

8. I note that in this section of their Grounds, the Appellants appear to recognise the “terrace within a terrace” to which I refer to in paragraph 7 above. The veranda or gantry does project further than the other buildings in the terrace within a terrace. It may be that some of the Victorian houses have extensions which project further, but those buildings are not part of the terrace within the terrace. The gantry or veranda and staircase, contrary to CD 62 is wholly incompatible with the bulk and height, proportion and rhythm and landscaping and boundary treatment of the surrounding development. Thus the proposed development neither preserves or enhances the character of the area (CD 61).

### CD 50

9. CD 50 is permissive of alterations **only** (emphasis added) where the external appearance of buildings or the surrounding area would not be harmed. As is said at 4.4.15 of the UDP:

**“The Council will pay particular regard to those unsympathetic small scale developments and extensions which may cause harm to the street scene, and their residential character of amenity. The significance of these lies in the incremental and cumulative effects which can so easily be detrimental to the local environment.”**

That encapsulates the point. The proposal destroys the line of the original terrace within a terrace.

### CD 51

10. CD 51 provides:

**“To resist unsympathetic small-scale developments which in themselves cause harm and where the cumulative effect of a number of similar proposals would be detrimental to the character of the area”**

The Appellants are entirely wrong to suggest that the gantry blends with existing balcony and roof terrace structures. In fact, it is an unsympathetic

small-scale development which destroys the line of its neighbours within the terrace within a terrace.

### **Additional**

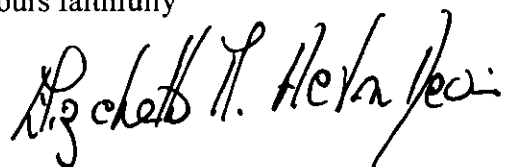
11. The Appellants miss or ignore the point. The problem is not merely the conservatory but also the veranda/gantry and staircase. If the veranda/gantry were to have been further reduced and the staircase repositioned so as to remove the proximity of the staircase to the party wall, the extent to which my ground floor sitting room and my garden are overlooked from the veranda and staircase would be reduced. However, the Appellants have chosen to pay no heed to my concerns.

### **Summary**

12. The Appellants chose to erect the construction which is now in place without applying for planning permission. In **September 2003**, I informed the Council of my belief that was so. On **22<sup>nd</sup> September 2003**, I was informed by the Council that the works were “considered to constitute development requiring planning permission” and that permission had not been sought or granted for that development. I was told that the Council had “requested the owner to remove the veranda and steps”. The Appellants did not comply with that request and an enforcement notice was served on, I believe, **8<sup>th</sup> January 2004**. The Appellants have not complied with that enforcement notice from that day to this. On **21<sup>st</sup> August 2004**, the planning application now under appeal was made. That application was refused on **15<sup>th</sup> October 2004**. I understand that the appeal was made on **12<sup>th</sup> April 2005**, approximately 3

days before the expiry of the 6 month time limit. I am suffering gross intrusion of my privacy by people who appear to understand how to use the planning system to their advantage. I urge you to dismiss the appeal. If you have any doubt of the fact of intrusion in relation to the proposed scheme, please make a site visit.

Yours faithfully

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

**Elizabeth Acton Davis**

I enclose 3 copies of this letter. Please acknowledge safe receipt.

11 Lansdowne Walk London W11 3LN

ODPM Ref: App/K5600/A/05/1178216

The Planning Inspectorate  
Room 3/19 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

EX DIR	HDC	TF	C-C	AD	CLU	AO AK
R.D. K.C.		10 JUN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

4th May 2005

Dear Sir

**Planning Appeal relating to 10 Lansdowne Walk London W11 3LN**

**CD35. Visual Privacy**

No. 10 is one of a group of three houses built as a unit designed by the architect, R Mock, and all three originally had a rear balcony to reflect the houses 100 years older on either side of it. The balcony of no. 10 had a discreet and small concrete staircase to the garden level adjacent to the "party wall" between nos. 10 and 11a. There is not the slightest doubt that the new "balcony" and staircase constitute a considerable invasion of the visual privacy, not only of no. 11a but also of the other houses including this one.

**CD47. Building Line**

To compare the rear garden level conservatory extension of no. 11a, discreetly tucked behind high brick garden walls with an ugly "gantry" a floor above extending further backwards is to compare oranges and lemons. The rear building line for all the properties in Lansdowne Walk has been consistent for a long time, the only exception having been the corner house with Ladbroke Grove. The "gantry" at 10 Lansdowne Walk breaches that consistent line.

**CD61 and 62. Conservation Area Policy**

It is suggested that it can only be the appellant who consider that the "gantry as built preserves and enhances the character and appearance of Ladbroke Conservation Area". Mr Mock would turn in his grave.

**CD50. Permitted Alterations**

It is interesting to note that it is only the appellant who has altered both the front, side and rear of their property to detract from the unity of the terrace of three (built on a bomb site, only the garage of the Victorian villa remained usable). The design of the new structures does not blend in with the adjacent buildings, using different materials throughout as well as lacking the line of the original.

/...

Page 2

Prior to the erection of the "gantry" there was no consultation with neighbours whatsoever. Consultation might have enabled a solution acceptable to all to be achieved. For that and the above reasons, I am against granting the appeal to allow the structure to remain.

Yours faithfully



P G Meyers

3F Lansdowne Road London W11 3AL 020 7727 8947

The Planning Inspectorate  
Room 3/19 Eagle Wing  
Temple Quay House 2 The Square  
Temple Quay Bristol BS1 6PN

14/05/05

EX DIR	HDC	TP	DC	AD	CLU	AO AK
R.B. K.C.		10 JUN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990

Ref. DPS/DCN/PP/O4/01934

ODPM's Reference. App/K5600/A/05/1178216

Planning Appeal relating to: 10 Lansdowne Walk, London W11 3LN

I refer to the Grounds of Appeal, 10 Lansdowne Walk:

CD35 Visual privacy.

The house known as 11a Lansdowne Walk was built in 1979. In other words it existed about nine years before the original conservatory at No 10 was allowed (1988).

CD61. CD62 and CD51 Conservation Area policy

The "gantry" referred to is particularly ugly and intrusive (See photograph taken from the bedroom window of 11a Lansdowne Walk)

According to the Oxford English Dictionary a gantry is "a frame or platform for carrying a crane or similar structure." That is exactly what it looks like.

Additional

Obviously there is a wish for the centrally positioned doors from the conservatory to lead onto a landing and thus to the garden. I cannot imagine why this logical sequence was not considered in detail at the time so that some sort of mutual agreement between neighbours might have been reached. I can only repeat the proposal made in my letter of 09/09/04 to the Borough's Planning Officer, as follows:

" I would like to suggest that the stairs start at a point about a metre nearer the opening from the conservatory, so that there are at least four or five steps down to the landing against the party wall. This would increase Mrs Acton Davis's privacy enormously without making any difficulties for the owners of No 10. I don't believe it would remove much light, if any, from the basement windows.

Also: ... the opening light at the west end. I would like to suggest that this window is fixed and that the glazing is changed to some form of obscured glass - again for privacy."

(See drawing (Francis P Gonzalez Associates) with amendments now suggested)

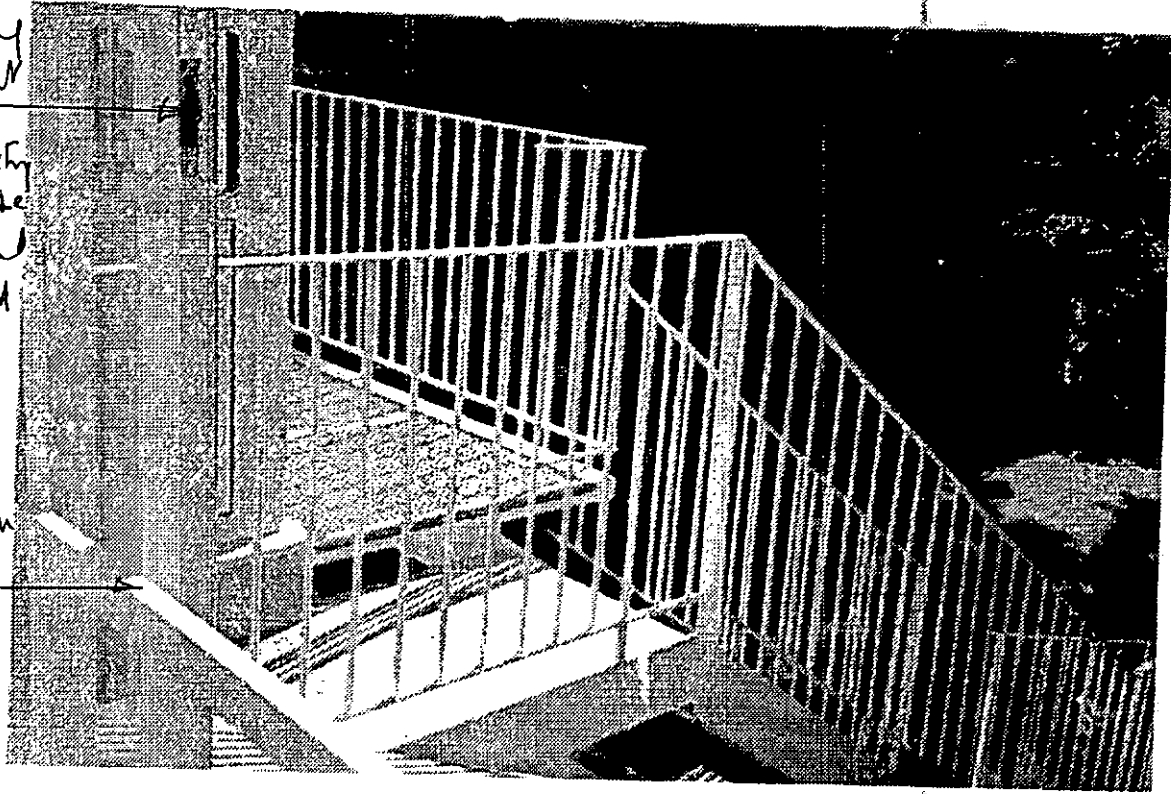
Yours faithfully

  
Mrs Jenny Young

10 Lansdowne Walk

Opening  
light  
level of  
consistency  
should be  
fixed and  
observed

Bedroom  
window  
No 11a



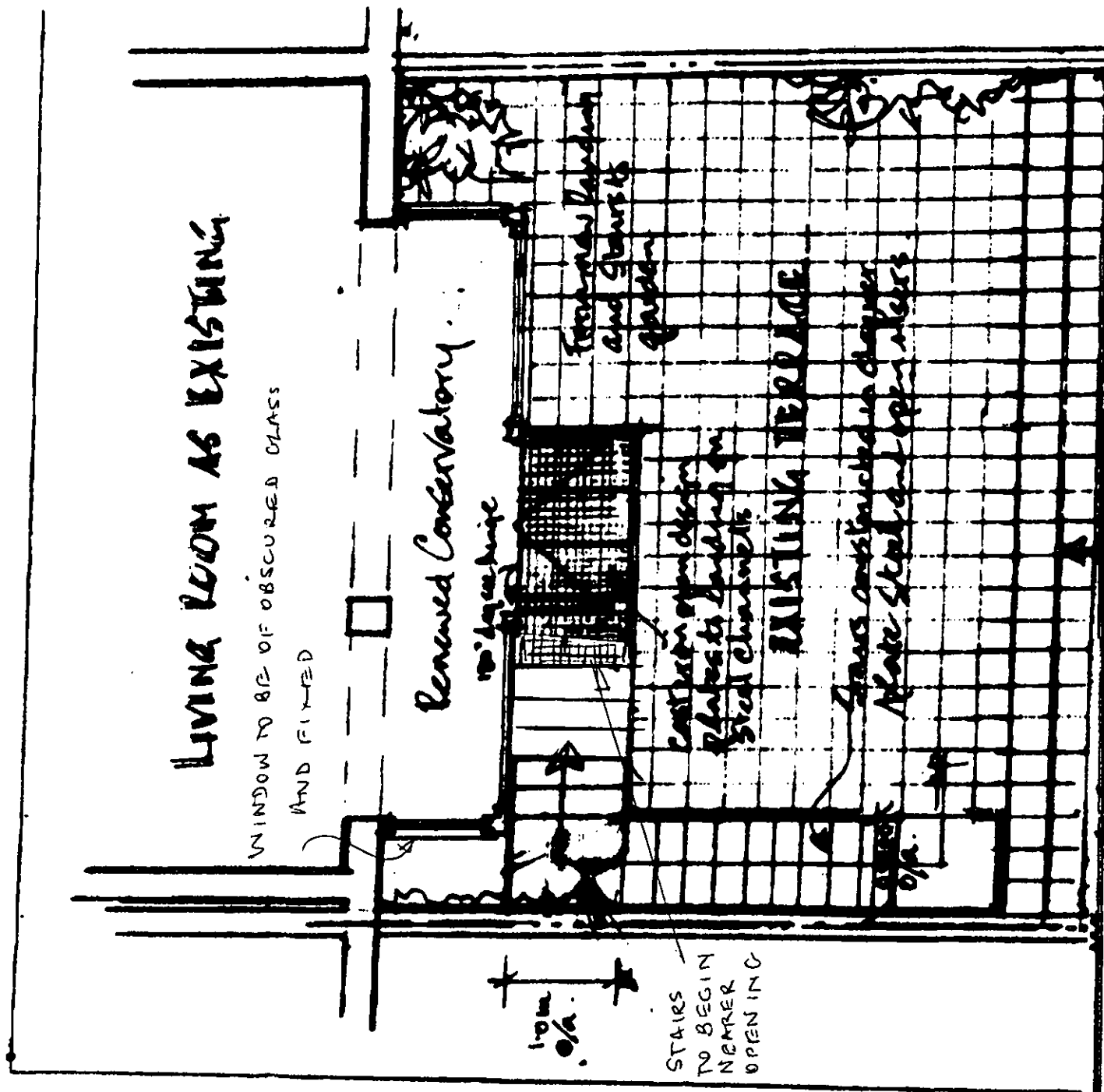
Photograph showing 'gambly' from Bedroom  
window of No 11a



**All dimensions must  
not exceed from this**

[illegible]

**Copyright**



9A Lansdowne Walk  
London  
W11 3LN

19 May 2005

The Planning Inspectorate  
Room 3/19 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

EX DIR	HDC	TP	DC	AD	CLU	AO AK
K.B. K.C.		10 JUN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARE	FPLN	DES	FEES

App/K5600/A/05/1178216

**Re: 10 Lansdowne Walk, London W11 3LN**

We are in receipt of a communication from Royal Borough of Kensington & Chelsea in respect of the above property. We reside in 9a Lansdowne Walk and our home is very similar to the applicants and forms part of the unique and modern terrace.

We oppose the Council's decision to refuse permission on the basis that the work done by the applicant is both beneficial and an improvement to the rear of these properties. We are in favour with the work done and are seriously considering making an application to the Council proposing an identical addition with a conservatory, landing and replacement staircase. At present we share an unsightly concrete staircase with our neighbour, which is subject to subsidence.

We formally request that our representation is considered and reiterate that we are in favour with the applicants' reasons for appealing with the Council's decision to refuse permission.

Yours faithfully



Drs Trevor & Stephanie Gibbs

cc Royal Borough of Kensington & Chelsea Planning and Conservation  
Ref: DPS/DCN/PP/04/01934

**10 Lansdowne Walk. London W11 3LN**

App/K5600/A/05/1178216

We take the opportunity to reply to the LPA's submission with enclosures as follows:

**Background information and Planning History**

In June 2003 Mr and Mrs Carey decided to upgrade and redecorate the interior of the appeal property. Prior to this date substantial effort had gone into replacing the cracked and broken curved glazing panels to the timber framed conservatory, (Permission for its construction having been obtained on the 20<sup>th</sup> May 1988) without much success due to reluctance by specialist contractors.

The proposal to replace the conservatory was agreed and we advised that the appellants that this was an opportunity to erect the new conservatory to a style and presentation matching the rear fenestration of the building. We were of the opinion that this would not require Planning Permission. This proposed work was included the overall scope of the work.

Further discussions were had in respect of the existing reinforced concrete stairs, their poor condition and unsightly appearance. The appellants are of an age where the steep gradient and high risers were considered to be uncomfortable. We proposed the replacement stairs. Works commenced in August 2003 with the removal of the existing conservatory and concrete stairs.

During the preliminary stages we proposed the centralisation of the access doors to the new conservatory. The original structure had a side access door giving access to a reinforced concrete landing directly adjoining the Party Fence Wall with 11a Lansdowne Walk. From the landing the stairs provided access to the garden. We considered that a central stairs sited to satisfy the central door arrangement would be detrimental and unsightly and we proposed a landing and gantry leading to the stairs. However we further considered that a full width landing would be more symmetrical. We further considered that as the structure was not extended to the existing boundaries there would hardly be any objection to the issue of overlooking. We proceeded on the basis of the above. The result of this continuance of the work was followed by complaints made by the adjoining owner of 11a Lansdowne Walk. The LPA issued an Enforcement Notice. We did not appeal against this Notice.

We submitted an application on the basis of a revised scheme and this was refused 12<sup>th</sup> October 2004. The Appeal is against this Refusal.

**Response to LPA's Submission on Planning Considerations**

**A. Overlooking**

It is considered that the proposed access staircase and rear landing does not create any additional harm to the occupiers of 11a Lansdowne Walk than was previously the case. The Inspector should be aware that there was an existing staircase and landing area when the house was originally constructed in 1953/1954. Unfortunately the

EX	LOC	TP	1-20	AD	CLU	AO
DIR						AK
R.B.	10 JUN 2005				PLANNING	
K.C.						
N	C	S.W	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

**10 Lansdowne Walk, London W11 3LN**

App/K5600/A/05/1178216

nature of the materials used and the design of the staircase gave rise to the deterioration of the concrete, and the restricted use by the appellant owing to its vigorous gradient of the pitch of the stairs and excessive height of risers. The repair of the existing was restricted and the replacement considered more practicable. No 11a Lansdowne Walk was built much later, possibly in the early 1970's. Therefore any significant loss of privacy or overlooking would have been taken into account when the LPA granted Planning Permission for this additional "in fill" house. The Councils' reference of overlooking into the ground and first floor we believe should refer to the basement and ground floors as there is no possibility of views into the first floor. Additionally 11a Lansdowne Walk has had a conservatory built at garden (Basement) level and this extends beyond the conservatory and landing to 10 Lansdowne Walk. The situation has not fundamentally changed. There was overlooking into the garden and dwelling of 11a Lansdowne Walk from the balcony and stairs built in 1953 and again from the conservatory built in 1988.

The situation with the proposed staircase has not changed at all. The Appellant would therefore argue that there is no significant impact to the issue of overlooking, than was previously the case, and that there is no additional harm to the amenity of 11a Lansdowne Walk.

The gantry as proposed does not create any additional harm than was previously the case. When standing on the gantry the views to the adjoining gardens is no different to the previous situation and certainly less than the existing views from the open terrace at second floor level. The fact that the landing does not extend to the existing boundaries limits any overlooking and invasion of privacy into the adjoining dwellings. The depth of 1200mm of landing does not create any additional overlooking, as the distance from the boundary line to the east is in excess of 1500mm and the staircase width to the west. The latter has not altered in this respect from the original in any way. The only difference is from the top of the staircase and the difference in the further projection of the staircase. However by the introduction of a winding section to the top of the stairs, users are unable to look into the rear of 11a Lansdowne Walk for fear of misplacing their footing. The Appellants' revised proposals to reduce the present height of the stairs by approximately 500mm and the cut back of the present gantry by 1800mm addresses the neighbours' concerns. It should be stressed that the proposed stairs and unauthorised stairs follows the same line of the original and that there is no additional increase in overlooking that existed before the stair was replaced.

**B. Building Line**

The LPA considers the landing/gantry projects beyond the General Building Line of the terrace. The Appellant would strongly disagree with this view. The complete terrace to Lansdowne Walk is irregular and not uniform. The properties located in Lansdowne Terrace (same frontage and rear facing to Lansdowne Walk and forming part of the same terrace) and specifically No 12 Lansdowne Walk has rear projections beyond the general building line. No 1 Lansdowne Terrace has a significant rear

**10 Lansdowne Walk, London W11 3LN**

App/K5600/A/05/1178216

addition extending well into the line of the rear garden of the appellants' property. Additionally the approved balconies to the terraced three houses, built in 1953, project beyond the general building line and significantly we have to refer to the LPA consent

of 1988 to permit the conservatory to 10 Lansdowne Walk also to extend past the building line. It is the appellants that the balconies did not constitute the basis of the general building line and should now not make this a reason for refusal.

The Appellant further adds that the unauthorised gantry, and as submitted for permission, does not breach the general building line and is therefore not contrary to policy CD47. Additionally the staircase, as a replacement, and the landing/gantry, as proposed, does not constitute a precedent in the terrace.

C. Effect on the Character and Appearance of the Ladbroke Conservation Area

The design of the staircase and landing/gantry and the materials used does not harm the appearance of the building or the Ladbroke Conservation Area. The materials used and the design implemented blend in well with the original 1953 design and character of the three terraced properties. The LPA in Paragraphs 4.8 and 4.9 of their Planning Report have stated that the proposal does not harm the character and appearance of the Ladbroke Conservation Area or the building itself and is not contrary to Policy Nos. CD/ 27, 33, 35, 36, 48, 50, 51, and 61 of the UDP.

D. Trellis Fence

The proposal to create a trellis fencing off Nos. 10 and 11a Lansdowne Walk on the top of the boundary wall was considered to address the possibility of overlooking. The appellant is happy to withdraw this part of the proposal.

**Conclusion**

The Inspector is respectfully requested to uphold the Appeal by Mr and Mrs Carey and grant Planning Permission for the rear staircase and landing following the refusal by the Council of the 14<sup>th</sup> October 2004. (Reference PP/04/01934).

The staircase and landing are not considered to create any additional harm to the amenity of the neighbouring properties by virtue of privacy and overlooking than was historically existed and that the proposals are not contrary to Policies CD 47 and CD 35 of the UDP.

The landing does not extend beyond the building line of the terrace as a whole. The staircase is sited on the same line as the existing structure built in 1953. We conclude that they are therefore not contrary to Policy Nos CD 47, CD 61 and CD 62 of the UDP.

**10 Lansdowne Walk. London W11 3LN**

App/K5600/A/05/1178216

The staircase and landing replicates what has historically been built on the rear of the three buildings forming this terrace and no considered to be harmful to the appearance of the building of the Ladbroke Conservation Area, or create a new precedent in this individual and particular part of the terrace. The development is therefore considered to accord with the Policy Nos. CD 50 and CD 51 of the UDP.

The omission of the trellis is confirmed.

**Additional Comments**

Letter from occupier of 11a Lansdowne Walk. Dated 6<sup>th</sup> September 2004

*Consideration to further reduce the stairs by 5 steps.* This reduction would impinge over the rear window at basement level.

*A central balcony and stairs.* This would extend further into the garden.

*Trellis.* Agreed

*White railings and height of same.* All the existing railings to the terrace are white.

The height of the railing conforms to Building Regulations.

*The window west facing to the side of the conservatory.* This was previously a door prior to the replacement conservatory.

Letter from occupier of 3F Lansdowne Road. Dated 9<sup>th</sup> September 2004

The points raised are the same as the items referred above.

Letter from occupier 38 Sterndale Road. 11<sup>th</sup> September 2004

*The conservatory constructed on the original balcony.* This confirms the existence of the original balcony and refers to an approval by the LPA in 1988 to construct a conservatory on the original balcony.

Letter from occupier of 11 Lansdowne Walk. Dated 8<sup>th</sup> September 2004

*West facing window.* As before this was originally a door therefore having more impact in respect of privacy.

*Equally well designed staircase down to the garden south... descend to the garden from the centre of the building.* The replacement staircase descends to the garden in a southward direction. To reposition this centrally is materially different to the original stairs built in 1953 and a new locality. The letter appears to refer to the other two properties that share a central staircase on the boundary line. The depth and width of the conservatory has not altered.

# 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

The Planning Inspectorate,  
3/19 Eagle Wing,  
Temple Quay House,  
2, The Square,  
Temple Quay,  
Bristol BS1 6PN

Switchboard: 020 7937 5464  
Extension: 2982  
Direct Line: 020 7361 2982  
Facsimile: 020 7361 3463  
Email: kevin.plaster@rbkc.gov.uk  
Web: www.rbkc.gov.uk

17 May 2005

My reference: DPS/DCN/KDP/ Your reference: APP/K5600/A/05/ Please ask for: Kevin Plaster  
PP/04/01934 1178216

Dear Sirs,

## Town and Country Planning Act 1990 Appeal by Mr & Mrs J Carey

### Site at 10, Lansdowne Walk, London, W11 3LN

I write with reference to the appeal made by Mr & Mrs Carey under Section 78 of the Town and Country Planning Act 1990 against the Council's decision on 14<sup>th</sup> October 2004, to refuse planning permission to form a rear landing and access staircase to garden to replace existing structure and replacement conservatory (ref. PP/04/01934).

The Council's reasons for refusing this permission are as follows:

*"The proposed landing/balcony and staircase by reason of their protrusion beyond the general building line of the terrace are considered to cause harm to the building, the terrace in which they are located and on the character and appearance of the Ladbroke Conservation Area, contrary to policies CD47, CD61 and CD62 of the Unitary Development Plan, thereby causing significant increase in harm to amenity of neighbouring premises by reason of privacy and overlooking contrary to policies CD47 and CD35 of the Unitary Development Plan. The cumulative effect of which, if repeated elsewhere, will further degrade the terrace and fail to preserve or enhance the character and appearance of the Conservation Area. They are therefore also considered to be contrary to policies CD50 and CD51 of the Unitary Development Plan.*

*The proposed trellis fence will also result in a sense of enclosure to the detriment of the neighbouring property at 11a Lansdowne Walk thereby failing to preserve the character and appearance of the conservation area. It is therefore considered contrary to policies CD36, CD61 and CD62."*

### Background

On 4<sup>th</sup> September 2003 a complaint was received that a rear terrace/veranda was being constructed at the premises. A subsequent visit by a Planning Enforcement Officer on 17<sup>th</sup> September 2003 confirmed that a landing/balcony at rear upper ground floor level protruding 1.20 metres from the rear conservatory at this level was in the process of being constructed, together with steps leading into the rear garden.



INVESTOR IN PEOPLE

On 9<sup>th</sup> October 2003 a further complaint was received indicating that the rear conservatory had also been demolished. A subsequent site visit by a Planning Enforcement Officer on 4<sup>th</sup> November 2003 confirmed that the timber conservatory had been demolished and replaced with a UPVC conservatory to a similar size and dimension. Due to it being established that the lawful windows in the parent building were also UPVC and given that the dimensions of the conservatory were not materially different from the timber conservatory that had previously existed, it was not considered expedient to take any further action with regard to this matter.

Nevertheless, the landing/ balcony and stairs were considered to require planning permission and due to their position and location were considered harmful. Notwithstanding, the issue of warning letters, the balcony and stairs were not removed. Therefore, delegated authority was obtained on 13<sup>th</sup> July 2004 to issue an Enforcement Notice to require their removal.

The Notice was served on 6<sup>th</sup> August 2004 and became effective on 12<sup>th</sup> October 2004. No appeal was submitted and the owner, therefore, had until 12<sup>th</sup> January 2005 to comply with the Notice's requirements.

On 4<sup>th</sup> February 2005 a site visit to the property confirmed that the requirements of the Enforcement Notice had not been complied with. Further correspondence between the owner's agent and the Council followed. This resulted in the agent confirming that it was his client's intentions to now appeal against the refusal of planning permission for a revised landing and staircase to garden, which was registered as complete on 19<sup>th</sup> August 2004 and refused planning permission on 14<sup>th</sup> October 2004. This was possible due to the changes introduced by the Planning Inspectorate in January 2005 to the time allowed in which to lodge an appeal.

This appeal to the First Secretary of State by the appellant against the refusal of planning permission to form a rear landing and access staircase to garden to replace existing structure and replacement conservatory now forms the subject of this written representation. The Council consider that with a few additions to explain Statutory Plans and Policies and the status of the Council's Unitary Development Plan (UDP), the Delegated report dated 14<sup>th</sup> October 2004 refusing planning permission, clearly sets out the Council's reasons why planning permission was refused and why it is requested that this appeal be dismissed. This, together with the following documents and others, which were sent with the Council's questionnaire, constitute the Royal Borough's written statement.

- A1 Location Plan of 10, Lansdowne Walk, London, W11
- A2 Delegated report dated 14<sup>th</sup> October 2004 recommending refusal of planning permission to form a rear landing access staircase to garden to replace existing structure and replacement conservatory (ref. PP/04/01934).
- A3 Photographs of staircase and landing access
- A4 Enforcement Notice issued 6<sup>th</sup> August 2004
- A5 Recommended conditions if planning permission were to be granted

### **Statutory Plans and Policies**

For the purpose of dealing with this appeal, the Royal Borough's Unitary Development Plan and the Mayor's Spatial Development Strategy ("The London Plan") are the most relevant documents in the consideration of determination's under the Planning Acts as they form the Royal Borough's Development Plan for purposes of Section 54A of the Town and Country Planning Act 1990. The



status of the development plan is confirmed by Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

*"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

The Council has recently reviewed its Unitary Development Plan (UDP) to keep it up to date and relevant in line with Government Policy. The Modified UDP was formally adopted on 25<sup>th</sup> May 2002. The full wording and reasoned justifications of policies, CD27, CD33, CD35, CD36, CD47, CD48, CD50, CD51, CD61 and CD62, which are considered relevant to this appeal, were sent with the Council's questionnaire. There are no policies within the London Plan that are considered relevant in this appeal.

Other relevant documents are Circulars, Planning Policy Guidance Notes, in particular PPG1 General Policy and Principles, PPG15 Planning and Historic Environment, and the Statutory framework provided by the Town and Country Planning Act, 1990 and 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.

Planning Policy Guidance Note 1 - (General Policies and Principles, February 1997) reiterates the emphasis on the Development Plan in paragraph 40,

**"Those deciding planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations."**

Furthermore, it goes on to say in paragraphs 13 that:

**"The appearance of proposed development and its relationship to its surroundings are material considerations in determining planning applications and appeals." (paragraph 13)**

Planning Policy Guidance 15 – (Planning and the Historic Environment, September 1994) outlines the approach to be taken by planning authorities when applying the Planning (Listed Buildings and Conservation Areas) Act, 1990. It reaffirms the importance of Section 72 of this Act and states in paragraph 4.19:

**"The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be strong presumption against the grant of planning permission."**

#### **Comments on appellant's grounds of appeal**

The appellants have set out their grounds of appeal with references to the Council's UDP policies. To aid clarity the Council responds using the same format.

### **CD35. Visual privacy.**

The original balcony and staircase at the premises granted in 1953 was set back by approximately one metre towards the parent building than what is being proposed in this scheme. It is not agreed therefore that the proposal now being considered has a similar outlook on the neighbouring property. The proposal is considered to result in a material increase in overlooking to the habitable rooms of 11a Lansdowne Walk than what has historically existed at the site. Whilst it is acknowledged that the introduction of three steps at the end of new landing will ensure that people will descend lower than the current unauthorised structure, the half landing area at this point together with the overall protrusion of the gantry proposed will still result in privacy problems to 11a Lansdowne Walk to an unacceptable degree. People on the gantry will have a clear view into these rooms. The photograph marked (A) in Appendix A3 indicates the old line of the stairs. This was set back further than the current arrangement at the top. The gantry proposed will still result in a protrusion of one metre at this point that will increase overlooking to a material degree into the habitable rooms of the neighbouring property. Contrary to the appellants' view, the increase in overlooking between the 1953 permission and the proposal is not neutral. For the above reasons and those noted in the delegated report, the proposal is therefore considered to be contrary to Policies CD35 and CD47 (h).

### **CD47 Building Line**

Policy CD47 in part (a) seeks to resist proposals, which project beyond the general building line of any neighbouring extensions, and in part (f) seeks to resist extensions, which spoil or disrupt the even rhythm of rear additions. The appellants have identified nos. 1 and 12 of Lansdowne Walk in which reference is made to the building line extending further at the level of the gantry proposed. The policy refers to the general building line of rear additions, and therefore, these highlighted properties should be read in isolation. They do not form the general building line of the rear of the street. Furthermore, the building is a modern infill development and should be read with the remaining 1953 development. Whilst the uniformity of this block has been compromised by the planning permission in the late 1980s for the conservatory, the building line of this group has remained consistent. The introduction of a gantry, albeit smaller in length to the current unauthorised structure, will result in the building line of the appeal property extending a further one metre beyond that of the remaining properties in this group. This is clearly shown in photograph (B) of Appendix A3. For the above reasons and those noted in the delegated report, the proposal is therefore considered to be contrary to Policy CD47.

The fact that the original balconies are not shown on the Ordnance Survey Plan does not indicate that they should be discounted when dictating the building line of the premises. They form an integral part of the original development and were consistent for each property. In the appeal property's case the conservatory has introduced an extension with a volume and is clearly an extension which projects from the property. This extension followed the line of the previous balcony and is consistent with the balconies of its neighbours.

The conservatory at 11a Lansdowne Walk is at basement level only. It does not extend to the height of the gantry being proposed at the appeal premises, and therefore, cannot dictate the building line of extensions at upper ground floor level.

### **CD61 and CD62 Conservation Area Policy**

The modern infill terrace was constructed prior to the conservation area designation, and therefore, does form part of its character and appearance. However, as with other infill developments, it does not form part of the general characteristics of the conservation area. Nevertheless, any alterations to the property will have an impact on the premises and the conservation area. Whilst the material used for the gantry and steps are not considered themselves harmful, when read with the remaining modern development, the proposal impacts on the character, scale and pattern of the property and due to its projection beyond the building line of the group, its proportion and rhythm. Contrary to the appellants' view the gantry is likely to set a precedent to the remaining properties in this modern terrace, thereby

making a further rearward projection difficult to resist at this level. It is therefore considered harmful to the building, the terrace in which it forms part and on the character and appearance of the conservation area.

Whilst it is agreed that the post war construction does have an 'open plan' emphasises with terraces at roof level and balconies, especially compared with its more historical neighbours, it does not imply that further balconies or gantry as that proposed, would be acceptable on the rear elevation of the property.

For the above reasons and those noted in the delegated report, the proposal is therefore considered to be contrary to Policies CD61 and CD62.

#### **CD50 Permitted Alterations**

Whilst it is acknowledged that the material of the gantry and steps proposed are not in themselves harmful to the building, and that the conservatory granted planning permission in 1988 has altered the rear elevation of the group in this terrace, the unity of the development remains.

The conservatory still retained the vertical emphasis of the rear windows at this level on the property without extending the building line. The gantry/landing by protruding further this building line impinges onto the unity and lines of the group to an unacceptable degree. The proposal is thus considered to individually spoil the appearance of the building and the group of houses collectively and is contrary to Policy CD50.

#### **CD51**

It has been established that the gantry and steps proposed is considered to have a detrimental effect on neighbours amenity by increasing overlooking and privacy problems, particularly at 11a Lansdowne Walk. If introduced elsewhere in this modern terrace an increase protrusion to the balconies is likely to cause similar problems to 8 Lansdowne Walk. Contrary to the appellant's view, the cumulative effect of increasing the building line at this level with an open terrace is therefore considered to cause harm and would be detrimental to the character of the area. It is therefore considered contrary to Policy CD51.

#### **Additional**

The Council's letter dated 8<sup>th</sup> July 2004, as indicated by the appellant and submitted with their statement, does not indicate that it is the Council's opinion that the conservatory is complimentary to the appearance of the fenestration and doors to the building. It merely is a factual letter outlining the planning implications following an enforcement investigation on the conservatory and UPVC windows at the premises. Following the service of a Planning Contravention Notice, in which the owners confirmed that the UPVC windows at the property had existed in excess of four years and thereby were confirmed as lawful, it became apparent that the UPVC material became a characteristic of the property. This became a material consideration in determining whether it was expedient to take any further action with respect to the replacement conservatory.

The dimensions of the current conservatory and its timber predecessor are the same. In addition, the conservatory design has retained the vertical emphasis of the one, which was granted in 1988. Photographs marked (C) and (D) in Appendix A3 show the conservatory as recently constructed and its timber predecessor. In the circumstances, whilst not positively preserving the building and the character and appearance of the Ladbrooke Conservation Area, it was considered to have left the building and the area unharmed. It was therefore concluded that it was not expedient to take any further action in this matter.

Furthermore, it does not imply that the Council has accepted that the door needs to be located to the central part of the conservatory. The original door was located on the west elevation of the premises. A door can be reinserted in this location without there being a material alteration to the property. There is thus not a need to have a landing area, which is required from the central aspect of the conservatory.

With regard to the staircase, it is not agreed that it is the same as the original. The provision of the gantry/landing in the proposal has resulted in the staircase protruding out further than its predecessor. Plan number FPG/02/10LW/501, as submitted in the appellants' statement, indicates the original staircase arrangement was set back 1.2 metres than the current unauthorised structure. This is clearly shown in photograph (A) of Appendix A3. Whilst the proposal indicates a reduction in size of the gantry to one metre, together with the provision of three steps at the top of this landing before turning downwards to the garden, thereby resulting in the staircase at this point almost following the original route, it does not resolve the protrusion of the building line at the top of the stairs and the resulting privacy issues to 11a Lansdowne Walk. Because of this change the Council's objection to the staircase remains and it is contrary to policies of the UDP, as outlined in the delegated report appended in A2.

It is noted that the appellants have decided to remove the trellis fence on the boundary wall with 11a Lansdowne Walk from their proposal. To ensure that it does not form part of this proposal, if consent were to be granted, a condition advising that the permission does not include this element would need to be attached.

For the above reasons and as indicated in the attached delegated report, it is considered that the development is contrary to policies of the UDP and there are no material considerations that justify that the proposal should be granted.

Accordingly, for the reasons in this statement and that in the enclosed delegated report, the First Secretary of State is respectfully requested to refuse planning permission and dismiss this appeal.

However, should the Inspector be minded to allow this appeal, it is considered that the proposed Conditions accompanying this letter in Appendix A5 are attached to safeguard the character and appearance of the property and the immediate area.

Yours sincerely



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

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**PLANNING AND CONSERVATION**

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THE TOWN HALL HORNTON STREET LONDON W8 7NX

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~~Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS~~

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

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Date: 19 May 2005

My Ref: DPS/DCN/PP/04/01934/KDP

ODPM's Reference: App/K5600/A/05/1178216 Please ask for: Rebecca Townley

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 10 Lansdowne Walk, London, W11 3LN**

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

Yours faithfully

**Michael J. French**

**Executive Director, Planning and Conservation**

Enc.



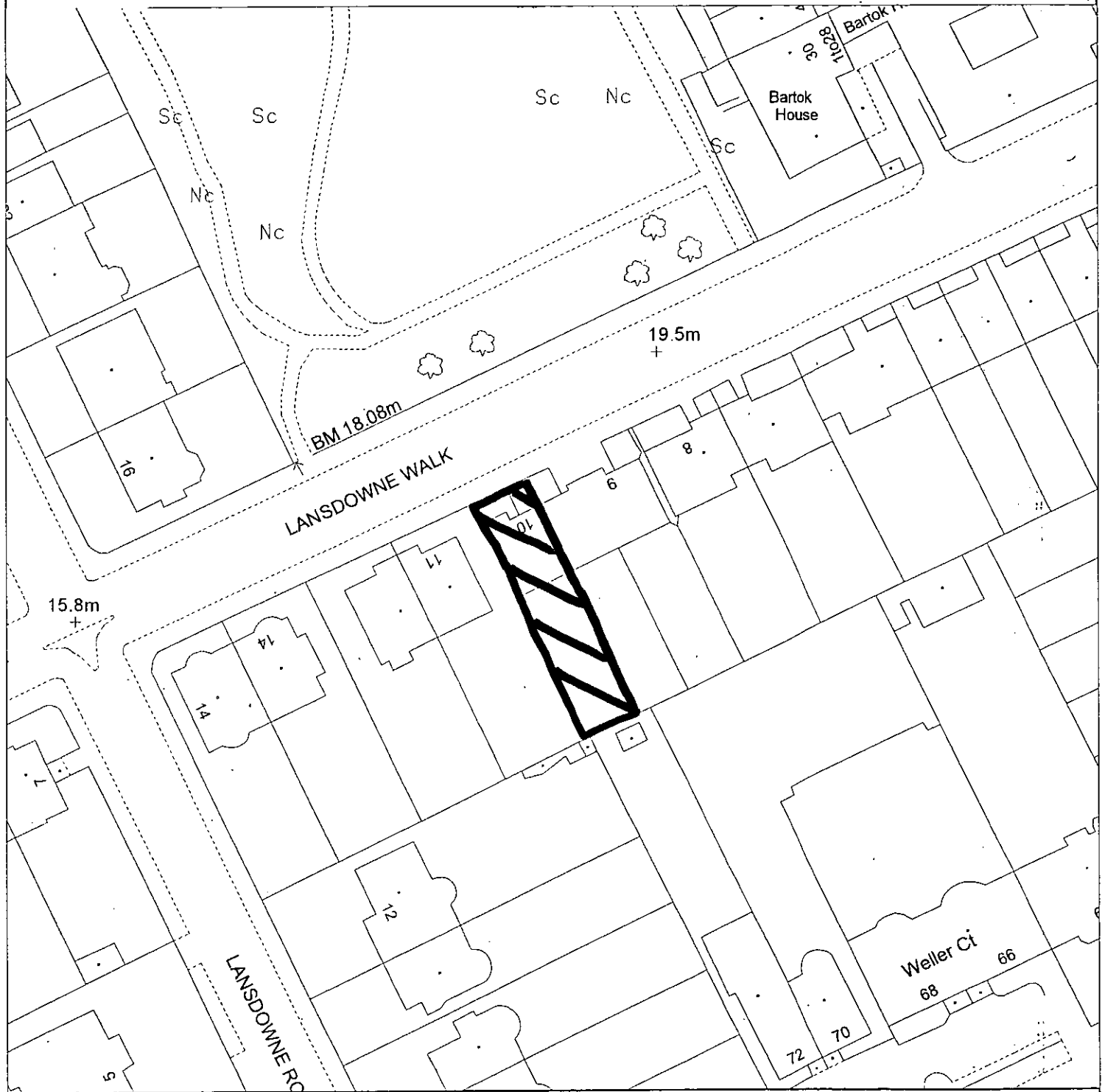
**INVESTOR IN PEOPLE**

**APPENDIX ONE –**

**Location Plan of 10, Lansdowne Walk, London, W11**

**RBKC - Planning and Conservation - Card Index - Site Map**

**10, Lansdowne Walk, London, W11**



Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

QuickMap(17/05/2005)

Map width : 150.00m

Scale 1 : 769

**APPENDIX TWO –**

**Delegated report dated 14<sup>th</sup> October 2004 recommending refusal of planning permission to form a rear landing access staircase to garden to replace existing structure and replacement conservatory (ref. PP/04/01934).**



Ae  
DP2

**ROYAL BOROUGH OF KENSINGTON & CHELSEA**  
**REPORT BY EXECUTIVE DIRECTOR, PLANNING & CONSERVATION**

Date: 12/10/2004

**DELEGATED**

APP NO. PP/04/01934/CHSE

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

**RECOMMENDED DECISION: Refuse planning permission**

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

Exec. Director, Planning and Conservation

Head of Development Control

Area Planning Officer

**ADDRESS OF SITE:**

**10 Lansdowne Walk,  
London, W11 3LN**

**APPLICATION DATED** 30/07/2004

**APPLICATION COMPLETE** 19/08/2004

**APPLICANT/AGENT ADDRESS:**

Francis P. Gonzalez Associates,  
8 Montague Road,  
Ealing,  
London,  
W13 8HA

**APPLICATION REVISED**

**APPLICANT: Mr. & Mrs. J. Carey,**

**CONS AREA**

Ladbroke

**CAPS** Yes

**ART '4'** Yes

**WARD** Norland

**LISTED BUILDING** No

**ENG. HERITAGE** N/A

**CONSULTED** 19

**OBJ.** 5

**SUP.** 0

**PET.** 0

**PROPOSAL: Form rear landing and access staircase to garden to replace existing structure and replacement conservatory.**

**RBK&C Drawing No(s):** PP/04/01934

**Applicant's Drawing No(s)** FPG/02/10LW/501, FPG/10LW/1, FPG/04/10LW/2A,  
FPG/04/10LW/4

PP/04/01934: 1

## **REASONS FOR REFUSAL**

1. The proposed landing/balcony and staircase by reason of their protrusion beyond the general building line of the terrace are considered to cause harm to the building, the terrace in which they are located and on the character and appearance of the Ladbroke Conservation Area, contrary to policies CD47, CD61 and CD62 of the Unitary Development Plan, thereby causing a significant increase in harm to amenity of neighbouring premises by reason of privacy and overlooking contrary to policies CD47 and CD35 of the Unitary Development Plan. The cumulative effect of which, if repeated elsewhere, will further degrade the terrace and fail to preserve or enhance the character and appearance of the Conservation Area. They are therefore also considered to be contrary to policies CD50 and CD51 of the Unitary Development Plan.

The proposed trellis fence will also result in a sense of enclosure to the detriment of the neighbouring property at 11a Lansdowne Walk thereby failing to preserve the character and appearance of the conservation area. It is therefore considered contrary to policies CD36, CD61 and CD62

## **INFORMATIVES**

1. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD27, CD33, CD35, CD36, CD47, CD48, CD50, CD51, CD61 and CD62.

**1.0 THE SITE**

- 1.1 No.10. Lansdowne Walk is located on the south side of the road some 55 metres east of the junction with Lansdowne Road. It is situated at the western end of a unified group of three properties built as an infill post war development between the Victorian properties numbered 8 and 11 and is adjacent to a further infill development constructed in the 1970s known as 11a Lansdowne Walk. It comprises a 3-storey house with garage and garden plus basement flat.
- 1.2 The property is not a listed building but it is located in the Ladbroke Conservation Area.

**2.0 THE PROPOSAL**

- 2.1 Planning permission is sought for a rear landing at rear upper ground floor level and stairs leading to the garden below and a replacement conservatory.

**3.0 RELEVANT PLANNING HISTORY**

- 3.1 On 18<sup>th</sup> June 1953 planning permission was granted to erect 3 terrace properties each as a self contained flat, a maisonette and a garage.
- 3.2 On 20<sup>th</sup> May 1988 planning permission (Ref. TP/88/0241) was granted to erect a front basement extension, front elevational alterations including a second floor front extension, rear conservatory extension over existing terrace and alterations at rear second floor level.
- 3.3 On 4<sup>th</sup> September 2003 a complaint was received that a rear terrace/veranda was being constructed at the premises. A subsequent visit by a Planning Enforcement Officer on 17<sup>th</sup> September 2003 confirmed that a landing/balcony at rear upper ground floor level protruding 1.20 metres from the rear conservatory at this level was in the process of being constructed, together with steps leading into the rear garden.
- 3.4 On 9<sup>th</sup> October 2003 a further complaint was received advising that the rear conservatory had now also been demolished. A subsequent site visit by a Planning Enforcement Officer on 4<sup>th</sup> November 2003 confirmed that the timber conservatory had been demolished and replaced with a UPVC conservatory to a similar size and dimension. Due to it being established that the lawful windows in the parent building were also of UPVC and given that the dimensions were not materially different from the timber conservatory that had previously existed, it was considered not expedient to take any further action with regard to this matter.

- 3.5 Nonetheless, the landing/balcony and stairs do require planning permission and an application to regularise the situation had not been submitted. In the circumstances, as they were not removed, a report recommending the service of an Enforcement Notice was approved on 13<sup>th</sup> July 2004.
- 3.6 This Notice was served on 6<sup>th</sup> August 2004 requiring the removal of the rear balcony/veranda, staircase and associated railings and supporting posts and becomes effective on 12<sup>th</sup> October 2004 unless an appeal is submitted beforehand.
- 3.7 On 19<sup>th</sup> August 2004 a planning application was made complete to seek consent for a revised rear landing and staircase to garden. It is this application which forms the subject of this report.

#### **4.0 PLANNING CONSIDERATIONS**

- 4.1 The main differences between the landing/balcony and staircase which is the subject of enforcement action and that which forms the subject of this application is that the landing/balcony length has been reduced in size by 1.8 metres and the majority of the stairs has dropped by approximately 500mm adjacent to the boundary wall with 11a Lansdowne Walk. This has been possible due to the introduction of three steps at the end of the landing/balcony.
- 4.2 Nonetheless, the main planning considerations in this case remain the effect the increase in protrusion the landing/balcony and staircase has on the building line at the rear of the premises, its design and appearance on the character and appearance of the building and the Ladbroke Conservation Area and the effect the landing/balcony, has upon neighbours' amenity in terms of privacy and overlooking.
- 4.3 The planning policies that are relevant in this case are contained within the 'Conservation and Development' chapter of the Unitary Development Plan, Policies CD27 (standards of design), CD33 (sunlight and daylight), CD35 (privacy), CD36 (sense of enclosure), CD47 (extensions), CD48 (conservatories), CD50 (other alterations), CD51 (small scale developments) CD61 and CD62 (Development in Conservation Areas) are of particular relevance.
- 4.4 Whilst the shortening of the landing/balcony has resulted in views into the neighbouring properties being reduced, it has failed to deal with the overall protrusion of the landing/balcony beyond the general building line of the terrace. Policy CD47 is the relevant policy relating to extensions and has a number of circumstances in which proposals for extensions will be resisted. Part (a) of this policy is to resist proposals for extensions if the extension would extend rearward beyond the existing general rear building line of any neighbouring extensions and part f) is to resist extensions which would spoil or disrupt the even rhythm of rear additions. Whilst the uniformity of the terrace has been compromised by the planning permission in the late 1980s for the conservatory, the building line has remained consistent. The introduction of smaller landing/balcony, results in the overall appearance of the structure no longer replicating the design and appearance of the original balcony and that of the adjacent buildings, and still has not resolved the issue of the building line being 1.2 metres

beyond that of the remaining part of the terrace. This extra protrusion, together with the squatter balcony is considered to be harmful to the appearance of the property, the terrace in which it is located and on the character and appearance of the Conservation Area. The landing/balcony and staircase are therefore considered contrary to policies CD27, CD47 a) and f), CD61 and CD62.

- 4.5 Part h) of Policy CD47 is to resist proposals for extensions if there would be a significant increase in overlooking of neighbouring properties or gardens. This, together with Policy CD35, seeks to ensure that development, including that from balconies and terraces does not involve overlooking into a habitable room windows or private gardens.
- 4.6 Although the existing conservatory, which has recently been rebuilt, and the original balcony did result in some overlooking into 11a Lansdowne Walk and 9/9c Lansdowne Walk, and whilst this new proposal does attempt to address the overlooking into both properties, the proposed new balcony on balance is considered to still result in a material loss of privacy to 11a Lansdowne Walk. This is because views could still be obtained directly into the ground and first floor windows. On considering the acceptability of a balcony account should be taken on what access already exists to amenity space such as a garden. 10 Lansdowne Walk already has sole use of the large rear garden of the premises and as such a further balcony is not considered necessary in this instance. The landing/balcony is thus considered to be contrary to policies CD47 h) and CD35.
- 4.7 The proposal indicates a trellis fence to be erected on top of the existing boundary wall with 11a Lansdowne Walk. Whilst this permeable structure attempts to address the potential overlooking with this property, the resulting increase in height of the party wall at this point is considered to result in a sense of enclosure with its neighbour, particularly when viewed upwards from 11a's conservatory at ground floor level. It will also result in an increase in height of the means of enclosure, where there appears to be a consistent height elsewhere. This will therefore be detrimental to the terrace in which the property is located, thereby failing to preserve and enhance the character and appearance of the Ladbroke Conservation Area. It is therefore considered contrary to policies CD36, CD61 and CD62.
- 4.8 It is not considered that the proposed landing/balcony and staircase, due to their permeable nature, results in any material loss of light to neighbouring properties to suggest that they are contrary to policy CD35. Furthermore, the detailed design and materials for the landing/balcony and staircase, which replicates the iron work of the neighbouring balconies, is considered in keeping with the original building and therefore it is not considered to be contrary to policy CD27. These are therefore not considered to be substantiated reasons for refusal.
- 4.9 With regard to the conservatory, as previously mentioned in paragraph 3.4 of this report, while the material has changed from timber to UPVC, it is not materially different in terms of its size and dimensions than that granted in 1988. The material now also matches the lawful windows in the parent building. Whilst not positively preserving the building and the character and appearance of the Ladbroke Conservation Area, it is considered to have left the building and area unharmed. As such it is not considered contrary to policies CD27, CD33, CD35, CD36, CD48,

CD50, CD51, CD61 and CD62 of the Unitary Development Plan.

- 4.10 Nonetheless, these considerations do not outweigh the harm being caused by the additional protrusion of the landing/balcony and staircase on the building line of the terrace and the resulting loss of privacy to 11a Lansdowne Walk.
- 4.11 Overall, the proposed landing/balcony and staircase by reason of their protrusion beyond the general building line of the terrace are considered to cause harm to the building, the terrace in which they are located and on the character and appearance of the Ladbroke Conservation Area, contrary to policies CD47, CD61 and CD62 of the Unitary Development Plan, thereby causing a significant increase in harm to amenity of neighbouring premises by reason of privacy and overlooking contrary to policies CD47 and CD35 of the Unitary Development Plan. The cumulative effect of which, if repeated elsewhere, will further degrade the terrace and fail to preserve or enhance the character and appearance of the Conservation Area. They are therefore also considered to be contrary to policies CD50 and CD51 of the Unitary Development Plan. The proposed trellis fence will also result in a sense of enclosure to the detriment of the neighbouring property at 11a Lansdowne Walk thereby failing to preserve the character and appearance of the conservation area. It is therefore considered contrary to policies CD36, CD61 and CD62.

## **5.0 PUBLIC CONSULTATION**

- 5.1 Nineteen letters have been sent to neighbouring properties in Lansdowne Walk, Lansdowne Road and Ladbroke Road. To date five letters of objection have been received. These relate to the principle of the conservatory and its resulting loss of light, loss of privacy, the harm being caused to the unified terrace of houses by the development and an objection against the proposed trellis fence. Each of these objections needs to be considered in turn.
- 5.2 With regard to the conservatory extension, this is a replacement conservatory, which was previously granted in 1988. The principle of the extension in this position and at this level has already been established and there has not been a material loss of light from its construction. It has been suggested that the west window in the conservatory should have obscure glazing and be fixed shut. However, the previous conservatory at this level had a door in this location that was not conditioned to be fixed shut or contain obscure glazing. It is therefore considered unreasonable to require this window to be fixed shut and be obscured, as this is more onerous than what has previously gained planning permission.
- 5.3 With regard to the loss of privacy caused by the landing/balcony, the Council agree that the proposal will affect to a material degree the privacy of the neighbouring property at 11a Lansdowne Walk and as such, as outlined in paragraphs 4.5 and 4.6 of this report the proposal is considered contrary to policies in the Unitary Development Plan.
- 5.4 Furthermore, the protrusion of the landing/veranda is considered to extend beyond the building line of the neighbouring properties and harm the unified group of the terrace. The proposal as outlined in paragraph 4.4 of the report, is therefore contrary to policies in the Unitary Development Plan.

5.5 The proposed trellis fence is considered to increase the sense of enclosure with 11a Lansdowne Walk and harm the character and appearance of the Conservation Area. As such, as outlined in paragraph 4.7 of this report, the trellis fence is also considered to be contrary to policies in the Unitary Development Plan.

5.6 It has been suggested that the stairs should be located leading out into the middle of the garden. However, the original staircase was on the west side of the property adjacent to the boundary with 11a Lansdowne Walk. Furthermore, it is not what is being proposed in this application and therefore fails to be considered in this determination.

## 6.0 RECOMMENDATION

6.1 Refuse Planning Permission

**M.J FRENCH**

**EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

### Background Papers

The contents of file PP/04/01934 and E/03/0260 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: KDP

Report Approved By: DT/LWJ

Date Report Approved:

**M.J. FRENCH**

**EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**