

**APPENDIX THREE –
Photographs of unauthorised staircase and landing access**

PHOTOGRAPH A –
Old line of stairs noted on side elevation brick wall



PHOTOGRAPH B –
Landing of 10, Lansdowne Walk and building line of remaining part of the terrace



PHOTOGRAPH C –
Old timber conservatory with unauthorised balcony being constructed



PHOTOGRAPH D –
New UPVC conservatory with unauthorised balcony



**APPENDIX FOUR –
Enforcement Notice issued 6th August 2004**

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

TOWN AND COUNTRY PLANNING ACT 1990
(as amended by the Planning and Compensation Act 1991)

ENFORCEMENT NOTICE
(Operational Development)

ISSUED BY: The Royal Borough of Kensington and Chelsea ("the Council")

1. **THIS IS A FORMAL NOTICE** which is issued by the Council because it appears to them that there has been a breach of planning control, under Section 171A(1)(a) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations.

2. **THE LAND AFFECTED**

Land at 10 Lansdowne Walk, London W11 3LN shown hatched black on the attached plan ("the Land")

3. **THE BREACH OF PLANNING CONTROL ALLEGED**

Without planning permission, the installation of metal balcony/veranda and staircase at rear upper ground floor level of the Land.

4. **REASONS FOR ISSUING THIS NOTICE**

It appears to the Council that the above breach of planning control has occurred within the last four years. The metal balcony/veranda 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, thereby causing a significant increase in harm to amenity of neighbouring premises by reason of privacy

and overlooking. 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 considered to be contrary to policies of the Unitary Development Plan, in particular, policies CD35, CD47, CD50, CD51, CD61 and CD62.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Remove the rear metal balcony/veranda, staircase and associated railings and supporting posts.

Time for compliance: Three calendar months after this notice takes effect.

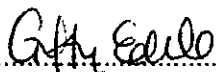
6. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12th October 2004 unless an appeal is made against it beforehand.

Dated:

6th August 2004

Signed:



Director of Law and Administration
(The Officer appointed for the purpose).

On behalf of the Royal Borough of Kensington and Chelsea of The Town Hall, Hornton Street, London, W8 7NX

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before 12th October 2004. The enclosed booklet "Making your enforcement appeal" sets out your rights. Read it carefully. You may use the enclosed appeal forms. One is for you to send to the Secretary of State if you decide to appeal. The second is to be returned to the Council at the same time. The third is for you to keep as a duplicate for your own records. You should also send the Secretary of State the spare copy of this enforcement notice which is enclosed.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on 12th October 2004 and you must ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in this notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the

Council.

10, Lansdowne Walk, Kensington, W11



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

QuickMap(08/07/2004)

Map width : 243.74m

Scale 1 : 1250

**APPENDIX FIVE –
Recommended conditions if planning permission were to be granted**

Recommended conditions in planning permission were to be granted

1. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Executive Director, Planning and Conservation.

Reason

To ensure a satisfactory standard of external appearance, and to preserve and enhance the character and appearance of the Conservation Area.

2. The landing and stairs hereby approved shall be painted white and so maintained.

Reason

To safeguard the appearance of the building/street.

3. Notwithstanding the information shown on drawing FPG/04/10LW/2A, the trellis fence shown on the boundary with 11a Lansdowne Walk does not form part of this permission.

Reason

The removal of the trellis is considered to be material to the acceptability of the proposals, and for safeguarding the visual amenity of the area.

4. The development hereby granted part retrospective planning permission shall be completed in accordance with the drawings hereby approved **within three months** of the date of this permission.

Reason

The Council considers that further works are necessary to ensure that the development is satisfactory, and to safeguard the amenity/appearance of the area.

A2
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 18th 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 20th 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 4th 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 17th 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 9th 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 4th 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 13th July 2004.
- 3.6 This Notice was served on 6th August 2004 requiring the removal of the rear balcony/veranda, staircase and associated railings and supporting posts and becomes effective on 12th October 2004 unless an appeal is submitted beforehand.
- 3.7 On 19th 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

11A LANSDOWNE WALK
LONDON W11 3LN
020 7 727 6263
6 September 2004

① PC + UB

② ~~KDP~~

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14/9.

Your ref. DPS/DCN/KDP

Mr K Plaster
Enforcement Officer
North Area Team
Planning and Conservation
The Town Hall
Hornton Street W8 7NX

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	14 SEP 2004				PLANNING	
N/ C	SW	SE	APP	IO	REC	
		ARB	FPLN	DES	FEES	

Dear Mr Plaster

Town and Country Planning Act 1990
10 Lansdowne Walk W11

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Thank you for your letters 23 and 27 August 2004, together with plans PP/04/01934. I note that the application submitted is not for the retention of the current verandah/balcony and staircase as the Council served an Enforcement Notice on the owners on 6 August requiring that this be removed.

I have been to your office on two occasions and I understand from Mr Inyang that I can ask if you will come and view the impact of the suggested development from my house. I would welcome this. Perhaps you would kindly telephone first.

From the plans submitted, I see that some reduction has been made to the verandah/balcony, eg. three steps down and then the staircase. I would ask that this might be further increased to five steps down and then the staircase, thus reducing the height further. I would also ask that the width of the verandah might be reduced.

Alternatively could consideration be given to a small verandah/balcony and staircase leading from the centre of the existing doors, this would remove the proximity of the staircase to the party wall and being overlooked as people go up and down.

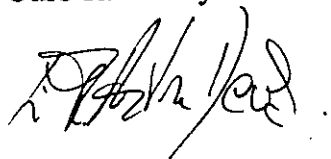
The suggestion of a trellis seems inappropriate merely a barrier preventing light and the feeling of space and openness.

I find the white railings overwhelming, could they be at the minimum legal height and, if the staircase remains adjacent to the party wall, is it necessary to have railings on both sides of the staircase?

I know that the conservatory is not part of this application, but when the building work was carried out on it, in 2003/2004, an opening window, west facing, was included in the new construction. This causes a security risk to my property and does invade my privacy.

Just a further point, the building line has been extended by No. 10 already and I would be grateful if any new alterations could be as unobtrusive as possible causing the minimum loss of light and privacy.

Yours sincerely

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

Elizabeth Acton Davis

① PC ② KDP

3F Lansdowne Road London W11 3AL 020 7727 8947

Your reference: DPS/DCN/KDP
E03/0260

dh
10/9

09/09/04

Dear Mr Plaster

Town and Country Planning Act 1990
10 Lansdowne Walk W11

I refer to your letter of 27th August to Mrs Acton Davis, the owner of 11a Lansdowne Walk, next door to No.10. As you know, alterations have been carried out at No 10 to the fairly new conservatory together with a major extension to the balcony and staircase leading from the conservatory to the garden. An Enforcement Notice requiring removal of the balcony and staircase was served on the owners on 6th August 2004.

Mrs Acton Davis is most anxious that any new structure in such close proximity to her tiny house should not overwhelm it, nor should it destroy her privacy or her right to light. As shown in the architect's drawings the proposed new staircase is certainly less obtrusive than the one that is to be removed. However 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.

I believe that Mrs Acton Davis would prefer to add her own trellis panel to the top of her wall if it seems in the end to be necessary.

Another upsetting feature of the conservatory is 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.

I understand from your colleague, Mr Inyang, who kindly saw us yesterday, that you would be willing to visit Mrs Acton Davis to see for yourself how obtrusive even the proposed new staircase will be unless it is lowered further as I have suggested.

I am particularly concerned over this present and potential dispute as I lived for many years at No.8, saw the houses Nos.9, 9A and 10 being built on a bomb site, saw the clever and beautiful little infill house 11A being built and became friends of all my neighbours including their Architect, Rudi Mock, who lived at 9A. I would indeed be sad if there is nothing you can do to solve the problem.

Yours sincerely

Jenny Young
Mrs Jenny Young

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R.B. K.O.	10 SEP 2004				PLANNING	
N	C	SW	SE	APP	IO	REC
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OPC + CB
38 Sterndale Road,
London W14 0HS
11/9/2004

② KDP

Ju.
11.9.

Kevin Plaster Esq,
K&C Planning Dept
W8 7NX
Dear Sir,

Re: 10 Lansdowne Walk W11
DPS/DCN/KDP/E/03/0260

I refer to the above application for a balcony/veranda at the above address. I write to you both as a former resident of 9a Lansdowne Walk, and as the daughter of the architect who designed the group of three houses in 1951.

First, I have concerns about the proposal to extend the veranda because this will mean that the neighbouring dwelling will be overlooked, and it will further change the unity and lines of the group of three houses .

Secondly, I am surprised to see that a conservatory on the original balcony, which is unsympathetic to the original design, and bears no relation to the other two houses, was granted planning permission.

I ask that these points be considered by the full planning committee. Further, that steps be taken to restore the dwelling to its original design.

Yours faithfully,



Louise Mock

(42)

EX DIR	HDC	TP	CAC	AD	CLU	AC MK
R.B. K.C.	14 SEP 2004				PLANNING	
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11 Lansdowne Walk London W11 3LN

Tel: 0171 727 7742 E-Mail: Mayers@dircon.co.uk

① Azh
② IW

Mr Derek Taylor
Area Planning Officer
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB KC	10 SEP 2004				PLANNING	
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08/09/2004

Dear Mr Taylor

Re: Ref: No: PS/DCN/PP/04/01934/IW

Proposed development at: 10 Lansdowne Walk, London, W11 3LN.

In response to the above planning application, I have looked at the proposed plans, and I object to the proposal.

The building is one of three houses built in the 1950's, and I consider that the proposed conservatory/staircase/verandah is not sympathetic in scale and size, and it breaks the line of the adjacent houses. It also severely infringes on the privacy of the neighbours.

At the west end there is a window directly overlooking No: 11A and also No: 11, and the first few steps of the staircase also directly overlook these two properties, especially No: 11A. The proposed design has a trellis on top, which will create an even higher unsightly structure, which would appear to be overwhelming in scale, especially for the very narrow property at No: 11A.

The three houses initially had French windows opening in the middle of the property with a light narrow balcony, with an equally light well designed staircase down to the garden facing directly south, thus causing no intrusion or lack of privacy for the neighbouring properties. I consider that the new development should return to the original line of the building, and be reduced in scale and weight to make it more sympathetic with its surroundings. Also that the staircase descend to the garden from the centre of the building in a straight line so that it so that it does not overlook the adjacent properties. Thus not adversely impacting upon the neighbours, and endeavouring to maintain the overall character of the property.

Yours sincerely,

Josie Mayers

Josie Mayers

① Ach

② IW

2nd Floor Flat
11 Lansdowne Walk,
London W11 3LN

Mr. Derek Taylor
Area Planning Officer,
Planning and Conservation,
The Town Hall,
Hornton Street,
London W8 7NX

Yn

9/9.

5th September 2004

Dear Mr. Taylor,

Reference DPS/DCN/KDP/PP/04/01934/IW

Thank you for your prompt reply to my letter informing me more fully of the proposed plans for 10 Lansdowne Walk, and for including the drawings of the present proposal. After studying these plans I am most concerned about the above planning application.

Being one of three identical houses, the proposed conservatory/staircase/verandah is most unsympathetic both in scale and size to the character of the building. The enclosed balcony(conservatory) plus the new balcony extend considerably beyond the line of the other buildings in the street with the associated loss of privacy for neighbours who will be overlooked on both sides.

The window at the west end of the enclosed balcony(conservatory), and the angle of the staircase facing directly onto Nos.11 and 11a, are both intrusive and also result in a distinct loss of privacy to both properties.

The intended design of the proposed trellis surmounting the garden wall of No.11a will be a very high and intrusive structure especially for No.11a, being such a narrow property, and will almost certainly give a 'fortress-like' feel to it and to No.11 as a considerable amount of light, and all views to the east, will be blocked.

I object to the proposal for the above reasons and consider that the position of the staircase should return to the original design of going straight down into the garden from the central French Windows thereby being more in keeping with the other houses and overcoming the lack of light and loss of privacy to neighbours.

Yours sincerely,

Miss H. C. Doery

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	- 8 SEP 2004				PLANNING	(10)
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16/09/2004 09:42:35



16/09/2004 09:43:53

16/09/2004 09:44:00



16/09/2004 09:48:33



16/09/2004 09:44:27

16/09/2004 09:37:38



16/09/2004 09:37:56

16/09/2004 09:38:37



16/09/2004 09:38:46

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

Chartered Building Surveyor
Architectural & Design Services

COPY.

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

17th August 2004

RE: PP/04/1934/KP

Dear Sirs

(ORIGINAL LETTER)

Brian

Re: 10 Lansdowne Walk, London W11

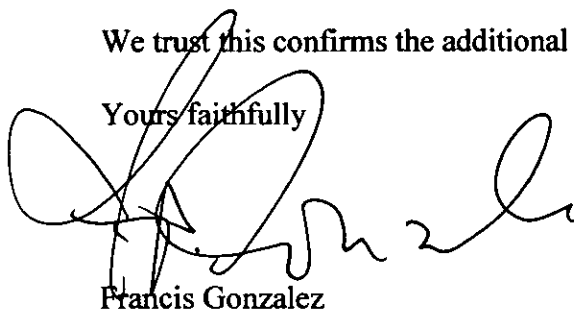
Thank you for your letter of the 3rd August 2004 received on the 6th August 2004. We express some concerns as to the content as follows:

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 5th 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

EX	HDC	TP	CAC	AD	CL	LA
DIR						AK
RB						
K.C.						
20 AUG 2004						
N	C	SW	SE	APP	IO	REC
				ARB	FPLN	DES
						FEE

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

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 16th 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 22nd September 2003 and requested to remove the balcony/veranda and staircase.

EX DIR	HDC	TP	CAC	AD	CLU	AC A
R.B. K.C.	20 AUG 2004				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES



INVESTOR IN PEOPLE

PP/04/1934

10 Lansdowne Walk, W11

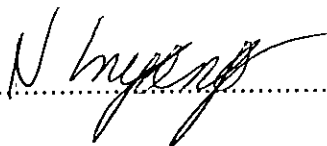
Meeting in the Town Hall on 8th August 2004 between Nse Inyang and Mrs Jenny Young with the occupier of no. 11 Lansdowne Walk.

During the meeting Mrs Young and the neighbour highlighted concerns about the current application and requested that;

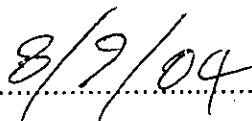
- 1) the window opening on the west flank of the conservatory is fixed shut and obscure glazed,
- 2) the platform adjoining the conservatory is reduced in area by grading the first flight of stairs further back from no. 11, reducing overlooking,
- 3) and objections to the proposed trellis fence on the boundary wall.

NI stated that they should state their concerns in a letter to Mr Plaster for his attention, including their request for Mr Plaster to arrange a further site inspection to view the existing structure from their property at no.11.

Signed.....



Dated.....



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

Elizabeth Acton Davis,
11A Lansdowne Walk,
London,
W11 3LN

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

27 August 2004

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

Please ask for: Kevin Plaster

Dear Mrs Acton Davis,


Town and Country Planning Act 1990
10 Lansdowne Walk, W11

I refer to your enquiry regarding the erection of a veranda/balcony at the above mentioned property and wish to confirm with you the current situation following the submission of a planning application regarding a similar development (ref. PP/04/01934), which I notified you of in a letter dated 23rd August 2004.

I confirm that the application submitted is not for the retention of the current veranda/balcony and staircase. The Council served an Enforcement Notice on the owners on 6th August 2004 requiring that this balcony/veranda and staircase be removed. This Notice becomes effective on 12th October 2004 unless an appeal is made against it beforehand. If no appeal is submitted, the owners have three months from this date, i.e. until 12th January 2005 to remove it.

The application which you have now been advised of relates to a smaller balcony/veranda. I enclose a set of drawings for your comments/observations. Please ensure that I receive your comments on this proposal by 17th September 2004.

Yours sincerely


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



INVESTOR IN PEOPLE

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

Miss H C Doery,
11, Lansdowne Walk,
London,
W11 3LN

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

27 August 2004

My reference: DPS/DCN/KDP/ Your reference:
PP/04/1934

Please ask for: Kevin Plaster

Dear Miss Doery,


Town and Country Planning Act 1990
10 Lansdowne Walk, W11

I refer to your letter dated 24th August 2004 regarding planning application PP/04/01934.

I confirm that the application submitted is not for the retention of the current rear landing and staircase. The Council served an Enforcement Notice on the owners on 6th August 2004 requiring that this balcony/veranda and staircase be removed. This Notice becomes effective on 12th October 2004 unless an appeal is made against it beforehand. If no appeal is submitted, the owners have three months from this date, i.e. until 12th January 2005 to remove it.

The application which you have now been advised of relates to a smaller balcony/veranda. I enclose a set of drawings for your comments/observations. Please ensure that I receive your comments on this proposal by 17th September 2004.

Yours sincerely

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



INVESTOR IN PEOPLE

① PC + LB ② ^{KOP.} 1/2
H
26 R

11 Lansdowne Walk
London W11 3LN

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

24th August 2004

Dear Mr French,

Re PS/DCN/PP/01934/IW

Proposed development at 10 Lansdowne Walk, London W11 3LN

I would be grateful if you could you please clarify for me if the above proposal is for retrospective permission for the rear landing and access staircase to the garden that was put in place recently or is it to replace this new structure?

Thanking you in anticipation,

Yours sincerely,



Miss H.C. Doery

EX DIR	HDC	TP	CAC	AD	CLU	AC AK
R.B. K.C.		26 AUG 2004			PLANNING 79	
N	G	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

NOTICE OF A PLANNING APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

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

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

Details are set out below.

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

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

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

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

Anyone who wishes to make representations about this application should write to the Executive Director of Planning and Conservation at the Town Hall (Dept. 705) within 21 days of the date of this notice. Please note that all letters of representation are public documents and can be seen by any interested parties.

SCHEDULE

Reference: PP/04/01934/TW

Date: 27/08/2004

10 Lansdowne Walk, London, W11 3LN

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

APPLICANT Mr. & Mrs. J. Carey,

REASON FOR DELAY

CASE NO. _____

is been identified as a "Target" application, which has the target for being
igh to the Head of Development Control within 6 weeks of the date of

f this application, there has been a delay of

unable to pass through the case within the target period for the following
[highlight as necessary]

due to internal Consultation
[highlight one or all]

- (i) Design
- (ii) Transportation
- (iii) Policy
- (iv) Environmental Health
- (v) Trees
- (vi) Other

neighbour notification/external consultation necessary (spread or time

ing Direction from English Heritage/other EH delays...

ns requested, but not received in time

ns received but inadequate - further revisions requested

ns received but reconsultation necessary

ommittee cycle

it's instruction

REASON.....

..... (Case Officer)

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

File Copy

Switchboard: 020-7937-5464
Extension: 2079/ 2080
Direct Line: 020-7361- 2079/ 2080

Facsimile: 020-7361-3463
Date: 23 August 2004

My reference: PS/DCN/PP/04/01934/IW Your reference:

Please ask for Planning Information Office

PLANNING AND CONSERVATION

Dear Sir/Madam,

THE TOWN HALL HORNTON STREET LONDON W8 7NX

TOWN AND COUNTRY PLANNING ACT 1990

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Proposed development at: 10 Lansdowne Walk, London, W11 3LN

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

Proposal for which permission is sought Form rear landing and access staircase to garden to replace existing structure.

My reference:

Applicant Mr. & Mrs. J. Carey, 10 Lansdowne Walk, London, W.11

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Yours faithfully

PLANNING AND CONSERVATION

M. J. FRENCH

Executive Director, Planning and Conservation

THE TOWN HALL HORNTON STREET LONDON W8 7NX

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

THE TOWN HALL HORNTON STREET LONDON W8 7NX

WHAT MATTERS CAN BE TAKEN INTO ACCOUNT

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

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

WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT

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

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

WHAT HAPPENS TO YOUR LETTER

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

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

WHERE TO SEE THE PLANS

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

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

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

PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY

MEMORANDUM

TO: FOR FILE USE ONLY

**From: EXECUTIVE DIRECTOR
PLANNING & CONSERVATION**

My Ref: PP/04/01934/IW

CODE A1

Room No:

NEWSPAPER DATE: 27/08/2004

Date: 23 August 2004

DEVELOPMENT AT:

10 Lansdowne Walk, London, W11 3LN

DEVELOPMENT:

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

The above development is to be advertised under:-

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

M.J. French

Executive Director, Planning & Conservation

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

Chartered Building Surveyor
Architectural & Design Services

PP 341934

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

17th August 2004

Dear Sirs

Re: 10 Lansdowne Walk, London W11

Thank you for your letter of the 3rd August 2004 received on the 6th 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 5th 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						
RB	18 AUG 2004				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	EPLN	DES	FEES

part of application
following my conversation
with Kevin Plaster. BR.
19/8/4.

PLANNING AND CONSERVATION

THE TOWN HALL, HORNTON STREET LONDON W8 7NX

PP 041934

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

**THE ROYAL
BOROUGH OF****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/ Your reference:
E/03/0260

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 16th 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 22nd September 2003 and requested to remove the balcony/veranda and staircase.



THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA



PPJ41934

M. J. FRENCH, ARICS, Dip. T. P.
Executive Director of Planning and Conservation

Department 705,
Room 325,
The Town Hall,
Hornton Street,
London,
W8 7NX

FRANCIS P. GONZALEZ
8 MONTAGUE ROAD
EKLING
LONDON W13 8HA

Telephone: 020 7361 2010

Facsimile: 020 7361 3463

3rd August 2004

My reference: TP/PEND/BR

Your reference:

Please ask for: BRIAN ROCHE

Dear Sir (Madam),

Town and Country Planning Act, 1990 – Town and Country Planning (General Permitted Development) Order 1995 and (Applications) Regulations, 1988 Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (England) Regulations, 2002

I refer to your Town Planning Application dated 30/7/4 for 10 LANSLOWNE WALK.

(RECEIVED 2/8/4)

I would advise you that before I can accept your application as a complete application – it will be necessary for you to provide the following information:-

☐ Photograph(s) of the existing front and rear elevation(s) in relation to adjacent properties.

☐ Complete and return 4 copies of the enclosed TP.1.Part.

☐ Complete and return 4 copies of the enclosed TP.1(HB/CA)Part.

☒ PLEASE CONFIRM/CLARIFY BY LETTER AS TO WHETHER YOUR APPLICATION IS ALSO FOR THE ERECTION OF A REPLACEMENT CONSERVATORY

<input checked="" type="checkbox"/>	£	Total Fee Required	£	110
		Received	£	NIL
		Outstanding	£	110

You are requested to note that the eight weeks statutory period will not begin until the application has been completed.

Yours faithfully,

M. J. French

Executive Director of Planning and Conservation

PLEASE RETURN TEAR OFF SLIP BELOW WITH INFORMATION REQUIRED

REF: TP/PEND/BR

Address:

10 LANSLOWNE WALK
LONDON W11.

To be completed by applicant: Please find enclosed the following:

Signed _____

Date _____

APPEAL

TO: Derek Taylor

FROM: Rebecca Townley

DATE RECEIVED: 12/04/2005

EXTN: 2081

APPEAL

CASE OFFICER: *KDP*
mod

APPEAL

ADMIN OFFICER: *JR*

OUR REF:

PP/04/01934

ODPM REF:

App/K5600/A/05/1178216

ADDRESS: 10 Lansdowne Walk, London, W11 3LN

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

REASON FOR APPEAL: REF

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN
REPRESENTATIONS

INFORMAL
HEARING

PUBLIC
INQUIRY

START DATE OF APPEAL

15th April 2005

3rd PARTY LETTERS DUE:

29th April 2005

SENT:

21st April 2005

QUESTIONNAIRE DUE:

29th April '05

SENT:

21st April 2005

WRITTEN REPS STAT DUE:

27th May '05

SENT:

19th May '05

~~INFORMAL HEARING STAT DUE:~~

~~SENT:~~

~~PUBLIC INQUIRY RULE 6/8 DUE:~~

~~SENT:~~

~~PROOF EXCHANGE DUE:~~

~~SENT:~~

FINAL COMMENTS DUE

17th June '05

SENT:

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

File Copy

File

File

Facsimilie:

Switchboard: 020-7937-5464

Direct Line: 020-7361-2982

Extension: 2982

020-7361-3463

Date: 22 April 2005

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

Please ask for: Mr. K. Plaster

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

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

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

Appellant: Mr. & Mrs. J. Carey, Agent: Francis P. Gonzalez Associates,

A Planning Appeal has been made by Mr. & Mrs. J. Carey, to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for : Form rear landing and access staircase to garden to replace existing structure and replacement conservatory.. This appeal will proceed by way of **WRITTEN REPRESENTATIONS**. Any representations you wish to make should be sent to: **The Planning Inspectorate, Room 3/19 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**. Please note that any representations already made at application stage will be forwarded to the Inspectorate.

Please send 3 copies and quote the ODPM's reference given above. **The Inspectorate must receive your representations by 27/05/2005 for them to be taken into account.** (Representations made in respect of the planning application have already been copied to the Inspectorate, and these will be considered when determining the appeal unless they are withdrawn before 27/05/2005). Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Inspector dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

I attach a copy of the Council's reasons for refusal and the Appellant's grounds of appeal. The Appellant's and Council's written statements may be inspected in the Planning Information Office after 27/05/2005 **(please telephone ahead in order to ensure that these are available)**. If you have any further queries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully

M. J. FRENCH

Executive Director, Planning and Conservation



INVESTOR IN PEOPLE

NOTICE OF A PLANNING APPEAL

Reasons for Refusal

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

Grounds of Appeal: 10 Lansdowne Walk, London W11

References to the UDP policies as scheduled below:

CD35. Visual privacy.

The conservatory to the rear ground floor was permitted in 1988 and constructed on the original balcony, built as part of the original house. The house referred as 11a Lansdowne Walk is a later addition. In permitting the infill and construction of 11a Lansdowne Walk, the Council did not consider the issue of visual privacy as a significant factor for refusal. The original balcony and staircase would have had a similar outlook on the adjoining dwelling. It is therefore considered that the new gantry and replacement staircase does not have a significant increase in overlooking to the original structure and the effect should be deemed as neutral. *The OS map as attached confirms the above.*

CD47. Building Line.

The Council consider the new gantry projects beyond the general Building Line of the neighbouring extensions. In fact there are substantial rearward extensions in the terrace referred as Lansdowne Walk and these project beyond the rearmost line of the gantry. The replacement staircase commences along the same line and extends beyond this line on downward descent. Reference is made specifically to Nos 1 and 12 Lansdowne Walk, 14 Lansdowne Road and the rear garden level conservatory extension of the adjoining property 11a Lansdowne Walk. It is therefore that the gantry and staircase comply with policy CD47. *Photographs 1 and 2 are attached for referral.*

CD62. Conservation Area Policy.

It is considered that the gantry as built preserves and enhances the character and appearance of the Ladbroke Conservation Area. On inspection it will be noted that this section of the terraced houses is of modern build and we reiterate that the new structure of the gantry and staircase conforms and merges with the external appearance of this terraced houses. In respect of character, scale, pattern and materials the new structure in no way can be deemed as harmful to the appearance of the terrace. The new gantry is not considered to set a precedent in respect of rear-ward projection as there are historical extensions in existence that project beyond the general building line.

CD50. Permitted Alterations.

We submit that the building is a modern building when compared to the traditional Victorian villas to the East and West of the terrace. The design of the new structures blends in with the appearance of the applicant's building and is not considered to be incongruous with the appearance of this modern part of the terrace. *Photographs attached numbered 6, 7, 8 and 9. showing front elevations*

CD51

The gantry blends with the existing balcony and roof terrace structures that exist to the other buildings within the terrace and we cannot therefore see how the proposed development is seen as causing cumulative effects to the Ladbroke Conservation Area.

Additional:

The attached letter from the Council clearly considers the conservatory as complimentary to the appearance of the fenestration and doors to the building. In this instance the replacement conservatory is not deemed to form part of the development. However in accepting the conservatory the Council have permitted the centrally positioned doors providing access from the conservatory. The need to provide a landing therefore follows on from this as does the requirement to provide a replacement staircase affording access to the garden.

The staircase is a replacement to the original reinforced concrete structure. The height from the conservatory to the garden has not altered and as such the height of the new staircase is the same as original. The new structure has been constructed to satisfy the legislation in the provision of staircases and now offers a proper going and comfortable use of the applicants. We therefore submit that the staircase should not form part of the Council's objection.

The proposed trellis is considered to be removed from the application and the applicant accepts the refusal to permit this temporary structure. The applicant confirms that the trellis has not been constructed.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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

Switchboard: 020-7937-5464
Direct Line: 020-7361- 2982
Extension: 2982
Facsimile: 020-7361-3463

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Date: 22 April 2005

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

ODPM's Reference: App/K5600/A/05/1178216 Please ask for: Mr. K. Plaster

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

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

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

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Office of the Deputy Prime Minister,
3/19 Eagle Wing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-2081

Extension: 2081

Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 22 April 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 return the completed questionnaire with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF:	APP/KS600/A105/1178216	GRID REF:	
APPEAL BY:	Mr & Mrs J Carey		
SITE:	10 Lansdowne Walk	POSTCODE	W11

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

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

<p>1. Do you agree to the written representations procedure? (An exchange of written statements, which will be studied by the Inspector, prior to visiting the site).</p> <p>if NO,</p> <p>Do you wish to be heard by an Inspector at (a) a local inquiry? or (b) a hearing?</p> <p>Note: If the written procedure is agreed the Inspector will visit the site <u>unaccompanied</u> by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.</p> <p>2a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?</p> <p>b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?</p> <p>If the answer to 2b is YES please explain:</p> <p>to gain access</p> <p>to</p> <p>3. Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.</p> <p>4. Does the appeal relate to an application for approval of reserved matters?</p> <p>5. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?</p>	<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Name R. Townley</p> <p>Telephone no. 020 7361 2081</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA</p>
---	--

6. Did you give publicity to the application?

☒ YES ☐ NO

- Article 8 of the GDPO 1995

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

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

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

☐ YES ☒ NO

Please specify which

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

☐ YES ☒ NO

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

☐ YES ☐ NO

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

☐ YES ☐ NO

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

☒ YES ☐ NO

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

☐ YES ☒ NO

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

☐ YES ☒ NO
Grade I / II* / II
☐ ☐ ☐

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

☐ YES ☒ NO

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

Date of listing

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

☐ YES ☒ NO

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

☐ YES ☒ NO

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

☐ YES ☐ NO

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

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

☐ YES ☒ NO

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

If YES, please attach the comments of English Nature.

☐ YES ☒ NO

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

☐ YES ☐ NO

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

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

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

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

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

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

f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;

g. Any representations received as a result of a notice published under Article 8 and/or Section 67/73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);

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

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

(Adopted May 2002) Extracts from udp chapters 1-4

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

Extracts from Cons Area proposal statement

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

l. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.

☐ YES ☒ NO
Sch1 Sch2 col 1

☐ YES ☒ NO

☐ YES ☒ NO

Number of Documents Enclosed

N/A

✓

✓

1

5

✓

✓

✓

✓

Enclosed

To be sent within 6 weeks from start date

✓

18. a. Please include:

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

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

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

27th May 05

Number of Documents Enclosed	N/A
5	
✓	
	✓

19. For appeals dealt with by written representations only

Do you intend to send another statement about this appeal?

If NO, please enclose the following information:-

a. In non-determination cases:

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

b. In all cases:

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

☒ YES ☐ NO

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

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


~~☐ YES ☐ NO~~

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

~~☐ YES ☐ NO~~

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

Signature



on behalf of

RBK/C

Council

Date sent to us and the appellant

22/4/05

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

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

APPEAL NOTIFICATIONS

Re 10 Lansdowne Walk, London, W11 3LN

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

Norland.

✓ **WARD COUNCILLORS:**

1. Mr ^{and} D Lindsay
2. Mr Ernest P. Tomlin
3. Mr Richard Walker Arnold

✓ **KENSINGTON SOCIETY**

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

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

RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

1.

2.

3.

✓ **ALL 3RD PARTIES ORIGINALLY NOTIFIED**

✓ **ALL OBJECTORS/SUPPORTERS**

STATUTORY BODIES ORIGINALLY NOTIFIED

ENGLISH HERITAGE

OTHERS

M:
21/4
1/274

NOTICE OF A PLANNING APPEAL

Reasons for Refusal

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

Property

10 Lansdowne Walk, London, W11 3LN

Proposal

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

Plans and drawings are/are not available for inspection.

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

NEW APPEAL

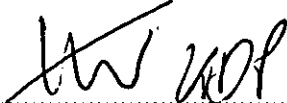
DATE: 13/04/2005

TO: Mr. D. Taylor

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

10 Lansdowne Walk, London, W11 3LN

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



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

- WRITTEN REPRESENTATIONS
- HEARING
- PUBLIC INQUIRY

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

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

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

THANK YOU