

# Francis P. Gonzalez

Building Surveyors  
Architectural & Design Services

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Fax 0208 810 7299  
Mobile 07831411631

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

DCN/PP/01934  
FPG/05/10LW/appeal


11<sup>th</sup> April 2005

Dear Sirs

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

Please find attached all documentation and enclosures relating to the Appeal in respect of the above building.

Yours faithfully



Francis Gonzalez

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		1 2 APR 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			LES	FPLN	DES	FEEs

(12)

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

FPG/05/10LW/appeal

11<sup>th</sup> April 2005

Dear Sirs

**Re: 10 Lansdowne Walk, London W11 3LN**  
**LPA: Royal Borough of Kensington & Chelsea/ Ref 01934**

Please find attached the Planning Appeal with all attachments for initiation of an Appeal against the LPA's decision in respect of the above building. We confirm that a full copy of the attached has been sent to the Local Authority.

We trust the Appeal and enclosures are in order.

Yours faithfully



Francis P. Gonzalez

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		1 2 APR 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARS	FPLN	DES	FEES

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

**Ref: 01934**

**Drawing List Attached To Appeal**

Site plan (as a copy of OS)

Drawing Nos:

LW/1. Oct 87. Ground floor plan as original (Part of the 1988 approval)

LW/9a. Dec 87. Sections showing new conservatory prior to replacement

LW/8B. Dec 87. Ground floor plan showing conservatory as part of the 1988 approval

FPG/02/10LW/SO1. Rear elevation showing removal of existing conservatory and reinforced concrete stairs

FPG/04/10LW/2A. June 2004. Proposed Replacement Conservatory, Stairs and Landing, Section, Elevation and Part Floor plan

FPG/04/10LW/4. June 2004. Existing ground floor plan. Detail of proposed cast plate to new gantry/landing

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

10, Lansdowne Walk, Kensington, W11



Ordnance Survey Map Extract - Crown Copyright Reserved

QuickMap(08/07/2004)

Map width : 243.74m

Scale 1 : 1250

R.B.	1 2 APR 2005					PLANNING	
K.C.							
N	C	SW	SE	APP	IO	REC	
HBS			ARB	FPLN	DES	FRES	

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

**Ref: 01934**

**Additional documents (not part of the original application)**

Letter received from LPA Administration on non-payment of Planning fee dated 3<sup>rd</sup> August 2004 and copy of reply including photocopy of receipt dated 17<sup>th</sup> August 2004

Copy letter from LPA Administration confirming validity of Application dated 20<sup>th</sup> August 2004

Copy of Planning permission granted for alterations and extensions of the 20<sup>th</sup> May 1988.

Copy letter from LPA, Enforcement, replying to the issue of the replacement windows and the reference to the replacement conservatory.

Photographs numbered 1 – 11 relating to the Grounds of Appeal

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	1 2 APR 2005				PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			APP	FPLN	DES	FEES

## **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.*

#### **CD61 and 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.

Photograph 5

**Privacy and overlooking to Adjoining Property**  
**10 and 11a Lansdowne Walk**

The original conservatory had Planning Permission granted in 1988 as attached consent. The original access to the garden was via a side opening(west side) of the conservatory leading to a landing situated directly on the party garden wall to 11a Lansdowne Walk and therefore providing view to the ground floor windows to the neighbours bedroom.

The landing was constructed in reinforced concrete. Similarly access to the garden was via a RC staircase situated in the same location as the proposed stairs. The existing stairs had an excessive going, were narrow and generally in poor order.

The new stairs are architecturally complimentary to the existing balconies in respect of the guardrails and "open plan" characteristics.





**Building Line**

Photographs taken from applicants landing to the East and West:  
Photographs 1 and 2

The photographs clearly show that the conservatory and gantry/landing/balcony do not extend beyond the existing Building Line. We refer to the solid structures evident to the east and west of the applicants building extending beyond the rearmost railing of the new gantry.

The attached Ordnance Survey plan appears to omit the existing balconies in relation to the rear of the three terraced properties and therefore would imply that the balcony does not constitute a part of the structure by which the Building Line is determined.

Photographs 1 and 2



East



West

**Rear Elevations**

Conservation Issues: Photograph numbers 3 and 4

The attached photographs show the rear elevations of the block of the three terraced properties.

There is a clear deviation of the historical buildings existing and evident to Lansdowne Walk. The four houses forming the terrace are post war construction and the appearance particularly emphasises the “open plan” and modern appearance. The houses have open terraces at roof level and existing balconies at ground floor level.

The new conservatory and gantry does not appear to detract from the “open plan” characteristics evident to the adjoining buildings. Additionally the conservatory is a replacement unit to the original approved in 1988.



Rear Elevations  
Photographs 3 and 4





# Front Elevations

Photographs 6 and 7



Front Elevations  
Photos 8 and 9





**Adjoining Property, 11a Lansdowne Walk**

The adjoining property known as 11a Lansdowne Walk has an existing conservatory at garden(basement) level. This solid structure spans the full width of the property and extends to within 400mm of the proposed gantry.

Please refer to the attached photographs below numbered 10 and 11:



THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA



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  
KENTING  
LONDON W13 8HA

Telephone: 020 7361 2010

Facsimile: 020 7361 3463

3<sup>rd</sup> 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.

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

☒ £ 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

EX DIR	HDC	TP	CAS	AD	CLU	AO AK
R.B. K.C.		1 2 APR 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

PLEASE RETURN TEAR OFF SLIP BELOW WITH INFORMATION REQUIRED

REF: TP/PEND/BR

Address:

10 LANSLOWNE WALK  
LONDON W11



**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

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		1 2 APR 2005			PLANNING	
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C1320

EX	HDC	TP	J-C	AD	GLU	AO AK
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K.C.						
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20/7 2014 Department PAC No. 203439  
Received from ID LANDS DEPT. WARD  
THE SUM OF Pounds and pence  
in respect of £ 110 //

Cash / Cheque (NAT. REGN. No. 238693310)

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# PLANNING AND CONSERVATION

THE TOWN HALL, HORTON 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: 020-7361-2734  
Extension: 2734  
Facsimile: 020-7361-3463

Date: 20/08/2004

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

My Ref: DPS/DCN /PP/04/01934 Your Ref: FPG/04/10LW

Please ask for: Mr.I. Williams

Dear Sir/Madam

## TOWN AND COUNTRY PLANNING ACT 1990

Application for Planning Permission at: 10 Lansdowne Walk, London, W11 3LN

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

Dated: 30/07/2004 Complete: 19/08/2004 Decision due by: 14/10/2004 Fee Received: £110.00

I acknowledge receipt of your application. For the sake of clarity the details of development may differ from the wording you have used on the application forms. It will be assumed that you are agreeable to this unless you reply to the contrary.

If you have not been notified by the Council of its decision within 8 weeks of the date of completion above you are entitled to appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. In line with Government targets, the Council determines applications as quickly as possible. If revisions are required to your application, you will be given a date by which to submit these within the eight week period; you are urged to be as speedy as possible in the submission of revised drawings.

Proposals that may affect the character or appearance of a Conservation Area, or the special character or setting of a Listed building, and some other proposals, must be advertised on site and in a local newspaper. Therefore, these applications often take slightly longer to determine. Controversial, Major or sensitive applications, including all those to which three or more objections are received, are presented to the Planning Services Committee, which may mean a short delay. Should you wish to discuss the progress of your application, please contact the Case Officer on the above number.

You are reminded that it may be unlawful to begin the development forming the subject of this application prior to receipt of a written Planning Permission from the Council, and you are strongly advised against so doing.

Yours faithfully

M. J. French

Executive Director, Planning and Conservation

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA



E.A. SANDERS, ARICS,  
Director of Planning and Transportation  
  
M.J. FRENCH, ARICS, Dip. T.P.,  
Deputy Director of Planning and Transportation

Department  
The Town Hall,  
Hornton Street,  
London,  
W8 7NX

Peter Tigg Partnership  
Walmer Courtyard,  
225 Walmer Road,  
London W11 4EY

Telephone: (01) 837 6464  
Extension: 2081

Facsimile: 01-838 1445

20 MAY 1988

My reference: TP/PP/88/0241/M/17/1988

Please ask for: Miss P. Vattely

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1971  
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1977

Permission for development (Conditional) (TP6a)

The Borough Council hereby permit the development referred to in the under-mentioned Schedule, subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

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, at 10 LANSDOWNE WALK, KENSINGTON, W.11, as shown on submitted drawings Nos. TP/88/0241 and TP/88/0241/A, Applicant's drawings Nos. LW/1, /2, /3, /4, /5, /6, /7, /11, /12, /88, /98, /108, /14, /15, /16B + /17, in accordance with your application dated 28/01/88, completed 03/02/88, revised 25/04/88.

/ CONDITIONS ...

### CONDITIONS

1. The development to which this permission relates shall be begun before the expiration of five years from the date of this permission. (C.22)
2. All new or replacement external work shall be carried out in materials that resemble, as closely as possible, in colour and texture, those of the existing building. (C.9)
3. No plumbing or pipes, other than rainwater pipes, shall be fixed on the external faces of the building. (C.11)
4. The garage accommodation shall not be adapted for living, commercial or other purposes and shall be available at all times for car parking. (C.14)
5. All elevational alterations shall be carried out exactly in the manner indicated on drawings hereby approved except for the matter referred to in Condition 6. (C.50)
6. The existing front roof shall be retained except for that area where the bathroom extension over the existing front projection is proposed.

### REASONS FOR THE IMPOSITION OF CONDITIONS

1. To prevent an accumulation of permissions which have not been acted upon, and as required by Section 41 of the Town and Country Planning Act, 1971. (R.13)
2. To safeguard the appearance of the premises and the character of the immediate area. (R.8)
3. It is considered that external plumbing would seriously detract from the appearance of the building and injure visual amenities. (R.6)
4. To avoid obstruction of the surrounding streets and to safeguard the amenities of adjacent premises. (R.9)
5. To ensure that the proposed work is carried out exactly in accord with the intentions shown on the approved drawings. Any variation from those drawings may not be acceptable to the Council. (R.28)
6. To ensure that the external appearance of the building is satisfactory. (R.5)

/ INFORMATIVES ...

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## PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

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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.

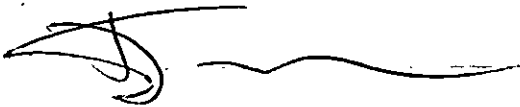


Planning Services Committee.

To date no such application has been submitted and the unauthorised balcony/veranda and staircase remains. In the circumstances, I confirm that a report will be prepared recommending that the Director of Law and Administration serves an Enforcement Notice requiring the removal of the rear metal balcony/veranda, staircase and associated railings and supporting posts.

I trust the above information clarifies the planning situation in these matters. However, if you wish to discuss the matter further please contact the case officer whose name and telephone number appear at the top of this letter.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Derek Taylor', followed by a long, wavy horizontal line.

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

c.c. Mr & Mrs Carey



## PLANNING APPEAL

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

Please use a separate form for each appeal

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

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

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

**PLEASE PRINT CLEARLY IN CAPITALS USING BLACK INK**

### A. APPELLANT DETAILS

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

Name MR & MRS J CAREY

Organisation Name (if applicable)

Address 10. LANSLOWNE WALK  
 LONDON

Postcode W11 3LN

Daytime Tel N/A

Fax N/A

Email N/A

I prefer to be contacted by ☒ Email

☐ Post

### B. AGENT DETAILS (if any) FOR THE APPEAL

Name FRANCIS P. GONZALEZ

Organisation Name (if applicable) BUILDING SURVEYORS

Address 8 MONTAGUE ROAD  
 EALING, LONDON

Postcode W13 8HA

Your Ref FPG/10LW/appeal

Daytime Tel 0208 998 9274

Fax 0208 810 7299

Email fpgonzalez@btconnect.com

I prefer to be contacted by ☒ Email

☐ Post

### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA ROYAL BOROUGH OF KENSINGTON & CHELSEA.

LPA's application reference no. DP6/DCN/PP/04/01934.

Date of the planning application 19/08/2004.

Date of LPA's decision notice (if issued) 14/10/2004.



# The Planning Inspectorate - Planning Appeal

## D. APPEAL SITE ADDRESS

Address 10 LANS DOWNE WALK  
HOLLAND PARK  
LONDON

Postcode W11 3LN

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

Is the appeal site within a Green Belt? ~~YES~~

(NO)

## E. DESCRIPTION OF THE DEVELOPMENT

Please enter details of the proposed development. This should normally be taken from the planning application form, but if the application was revised (and agreed) while it was with the local planning authority for consideration, you may enter a description of the revised scheme.

FORM REAR LANDING AND ACCESS  
STAIRCASE TO GARDEN TO REPLACE  
EXISTING STRUCTURE .

Size of the whole appeal site (in hectares) 0.6

Area of floor space of proposed development (in square metres) 9.7m<sup>2</sup>

Has the description of the development changed from that entered on the application form? ~~YES~~

(NO)

## F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **ONE** box only ✓

- |           |   |                                       |
|-----------|---|---------------------------------------|
| 1         | Refuse planning permission for the development described in Section E.  | 1 <input checked="" type="checkbox"/> |
| 2         | Grant planning permission for the development subject to conditions to which you object.  | 2 <input type="checkbox"/>            |
| 3         | Refuse approval of the matters reserved under an outline planning permission.   | 3 <input type="checkbox"/>            |
| 4         | Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.                              | 4 <input type="checkbox"/>            |
| 5         | Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).                          | 5 <input type="checkbox"/>            |
| <b>OR</b> |   |                                       |
| 6         | The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. | 6 <input type="checkbox"/>            |

## G. CHOICE OF PROCEDURE

### CHOOSE ONE PROCEDURE ONLY

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

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

#### 1 WRITTEN REPRESENTATIONS

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

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

- a) If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES ☐ NO ☒
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES ☒ NO ☐

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

TO VIEW STRUCTURE AS RELATING TO GROUNDS FOR REFUSAL  
TO VIEW ISSUE RELATIVE TO PRIVACY

#### 2 HEARINGS

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

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

#### 3 INQUIRIES

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

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

## H. GROUNDS OF APPEAL

If you have requested the written procedure, please provide your **FULL** grounds of appeal.

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

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

Please continue on a separate sheet if necessary.

PLEASE REFER TO ATTACHED  
'GROUNDS OF APPEAL' AS SET OUT  
SPECIFIC TO REASONS FOR REFUSAL  
BY LPA.

WE CONSIDER THE TYPED ATTACHMENT TO  
BE MORE LEGIBLE THAN WRITTEN  
STATEMENTS .



## I. APPEAL SITE OWNERSHIP DETAILS

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

**YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**

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

Please tick **ONE** box only

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

### CERTIFICATE A

A ☒

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

OR

### CERTIFICATE B

B ☐

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

Owner's Name

Address at which the notice was served

Date the notice was served

### CERTIFICATES C and D

C & D ☐

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

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

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenant's name'.

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

a ☒

OR

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

b ☐

Tenant's Name

Address at which the notice was served

Date the notice was served

## J. ESSENTIAL SUPPORTING DOCUMENTS

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

- 1 A copy of the original **planning application** sent to the LPA. ☒
- 2 A copy of the **site ownership certificate and ownership details** submitted to the LPA **at application stage** (this is usually part of the LPA's planning application form). ☒
- 3 A copy of the **LPA's decision notice** (if issued). ☒
- 4 A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. ☒
- 5 A list (stating drawing numbers) and copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. ☒
- 6 A list (stating drawing numbers) and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). ☒

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

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

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

## K. PLEASE SIGN BELOW

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

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

Signature

*Francis P. Gonzalez*

Date 11/04/05

Name (in capitals)

FRANCIS P. GONZALEZ

On behalf of (if applicable)

MR & MRS J. CAREY



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

### NOW SEND

#### 1 COPY to us at:

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

#### 1 COPY to the LPA

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

#### 1 COPY for you to keep

When we receive your appeal form, we will:

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

#### YOU MUST KEEP TO THE TIMETABLE

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

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

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

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Norwich  
NR3 1BQ

To: Policy, Transportation,  
Conservation & Design

From: Lesley Jones  
Date: 13 April 2005

**NEW APPEAL**  
**ADVANCE WARNING**

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

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

**OUR REF: PP/04/01934 ODPM REF: App/K5600/A/05**

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

**TYPE OF APPEAL: Refusal of Permission**

**REASONS FOR REFUSAL:** See attached sheet

**D.C. CASE OFFICER:** Mr. K. Plaster **D.C. AREA:** North Area Team

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

Design	Transportation
Policy	R & I
Trees	Environmental Health – Noise (Ian Hooper)
Housing	Housing (Stanley Logan)

N/A

Please contact the Case Officer for further details.

Thank you.

Lesley Jones  
Head of Development Control

REASON(S) 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





# The Planning Inspectorate

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

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

Direct Line 0117-3728715  
Switchboard 0117-3728000  
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: 15 April 2005

Dear Madam

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

39

EX	HDC	TP	C&C	AD	CLU	AO
DIR						AK
R.B.		18 APR 2005				PLANNING
K.C.						
N	C	S.W	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

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

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

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

The following documents must be submitted within this timetable:

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

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

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

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

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

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

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

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

**Site visit arrangements**

We will arrange for our Inspector to visit the appeal site and we will send you the details. Our aim is to arrange the visit within 12 weeks of the **starting date**, but from time to time it may take us a little longer.

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

**Planning obligations - Section 106 agreements**

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

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

Yours faithfully

*ABalley*  
*M*

Mrs Annette Dixon

102(BPR)

### Submission of appeal statements and proofs of evidence

We will shortly be introducing the Planning Casework Service ([www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)). When it is introduced you will be able to submit your appeal documents electronically.

In preparation for this, it would assist us greatly, if you could prepare your appeal documents in the following way:

1. Type the information using the 'sans serif' font sizes of at least 11 point. ('Sans serif' fonts are easier to read on screen, common examples are Arial and Verdana.)
2. Use A4 size paper wherever possible.
3. Print documents on both sides of a page if you want to, but please ensure that the quality of paper is such that images from one side of the page do not show through to the other side.
4. Use black ink and capitals if you need to write on a document.
5. Ensure photocopied documents are clear and legible.
6. Place photographs, maps, plans, etc., in a separate appendix and cross-reference them within the main body of the document. Do not stick photographs to sheets of paper. Put them in an envelope and write the site address or appeal reference number if known on the back.
7. Bind documents in such a way that bindings can be undone quickly without damaging the document. Avoid using wire or plastic spiral binders.
8. Avoid using cover sheets, sleeves or other bindings that do not add value or information.
9. Ensure that the pages of documents are clearly numbered.
10. Please do not send valuable original documents unless these are specifically requested.
11. Please do not include post-it notes or small attachments which might be easily dislodged or lost.



# The Planning Inspectorate

3/19 Eagle Wing  
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Bristol BS1 6PN

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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: 15 April 2005

Dear Madam  
**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY MR & MRS J CAREY**  
**SITE AT 10 LANSDOWNE RD, LONDON, W11 3LW**

## Site visit arrangements

As is stated in the enclosed letter, our aim is to arrange the visit within 12 weeks of the starting date. However, a steep rise in the number of appeals submitted means that there is currently a backlog, and as a result it may not be possible for the visit to take place until 45-50 weeks after the date of this letter.

We are doing everything we can to address the problem, including bringing forward site visits to take place of any that, for whatever reason, fall away at the last minute. For that reason we are still asking for the submission of statements within the existing timeframes.

Yours faithfully

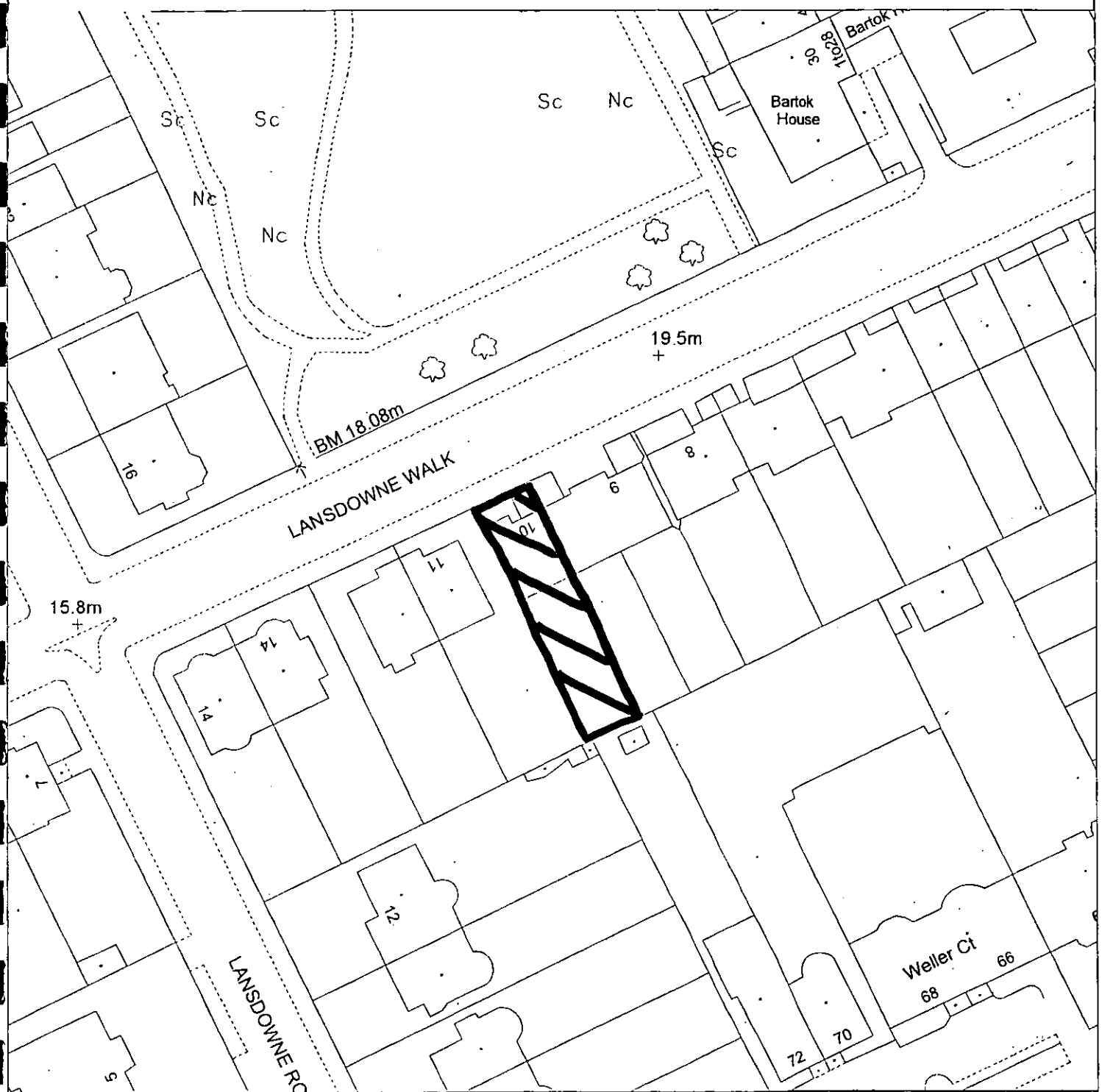
Katrine Sporle  
Chief Executive

**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**

**DELEGATED**

Date: 12/10/2004

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

12/10/04

SG 12/10

**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,

**DELEGATED**

14 OCT 2004

**REFUSAL**

**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,

- 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**

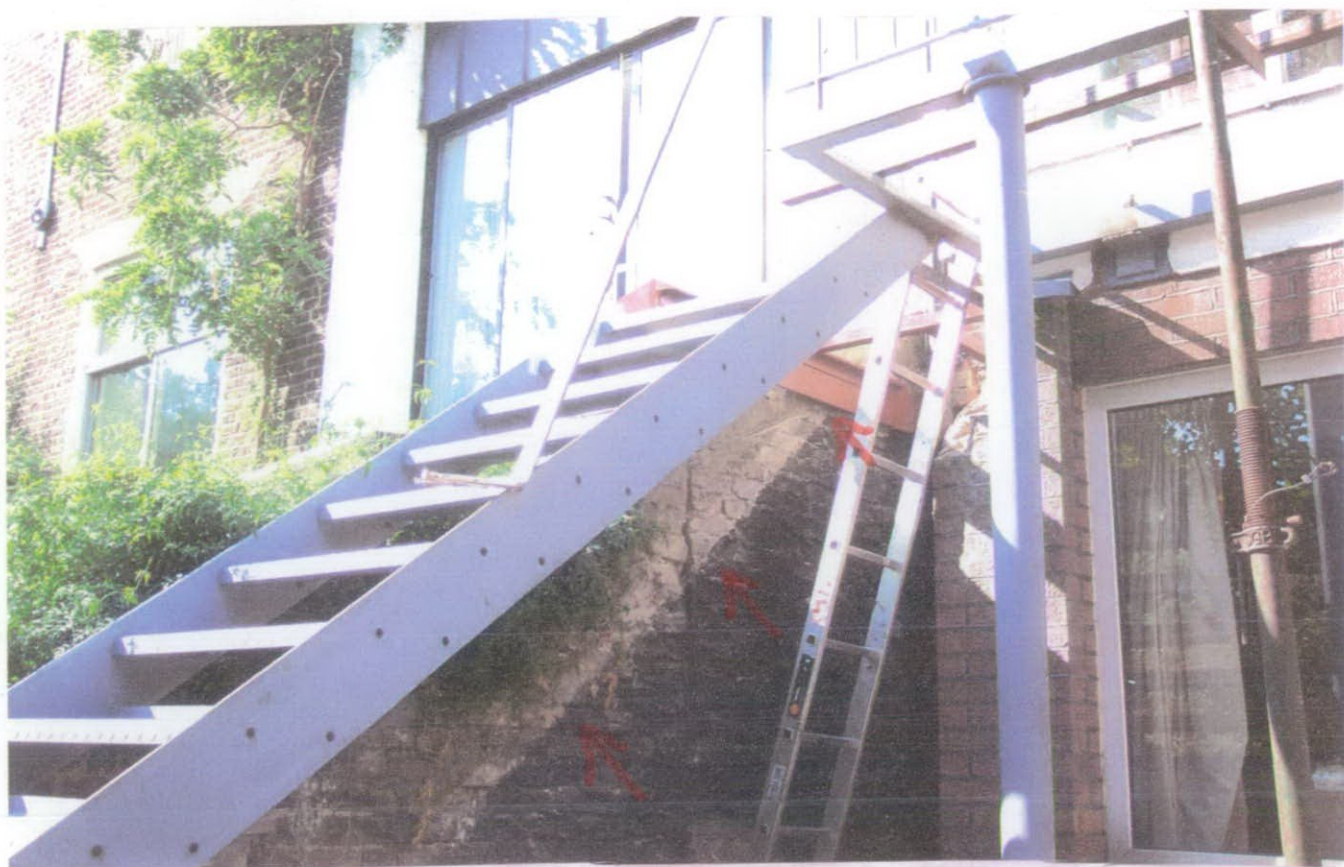
**EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION**

**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 6<sup>th</sup> 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)

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**ENFORCEMENT NOTICE**  
**(Operational Development)**

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**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 12<sup>th</sup> October 2004 unless an appeal is made against it beforehand.

Dated: 6<sup>th</sup> August 2004

Signed: G. H. Edulo  
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**

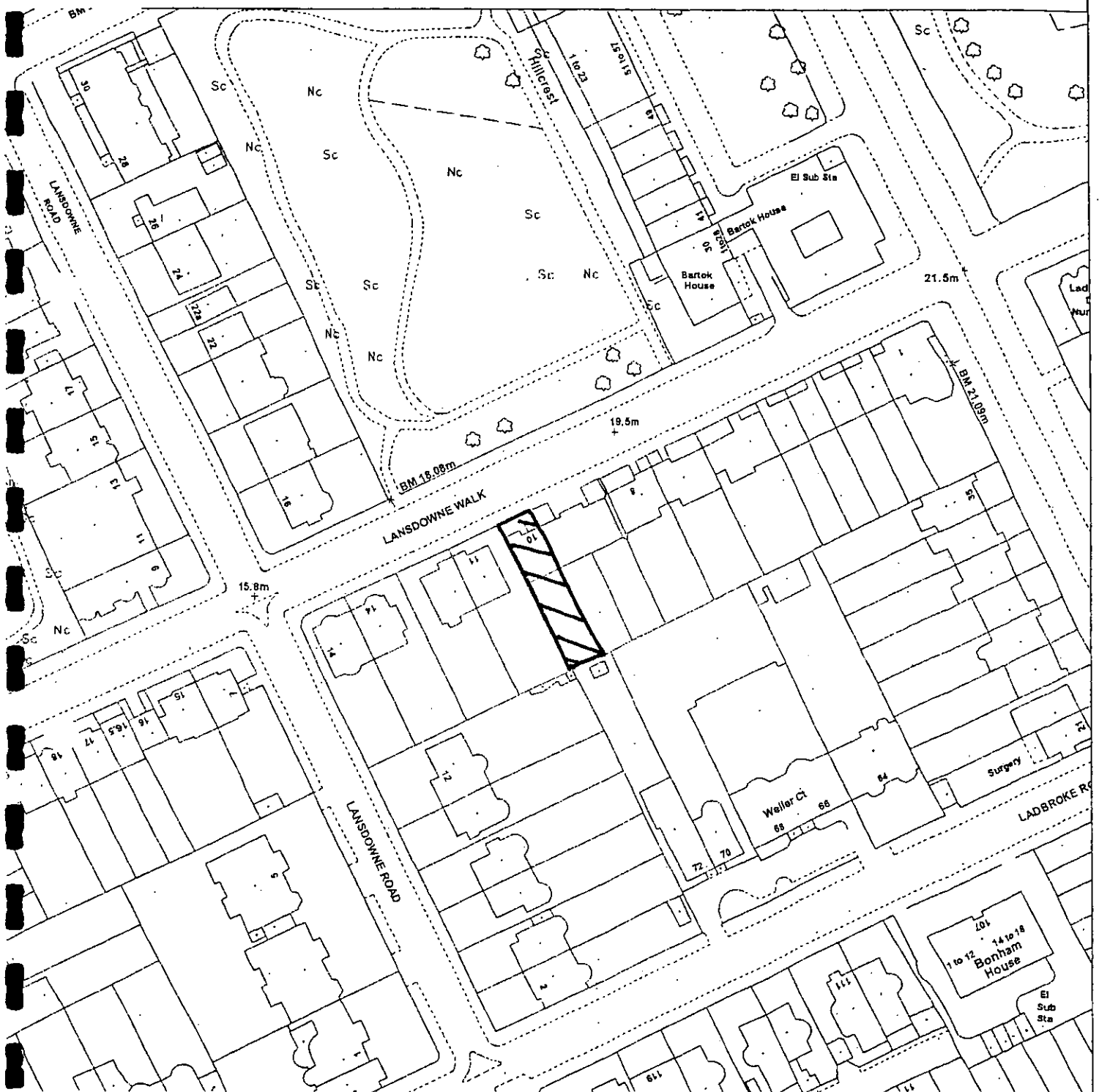
You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before **12<sup>th</sup> October 2004**. The enclosed booklet "Making your enforcement appeal" sets out your rights. Read it carefully. You may use the enclosed appeal forms. 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 **12<sup>th</sup> 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.*