

# DEVELOPMENT CONTROL TECHNICAL INFORMATION

THE ROYAL  
BOROUGH OF



M.L  
KENSINGTON  
AND CHELSEA

ADDRESS 6 Queensdale Road

POLLING DISTRICT NOB

- |     |  |          |        |  |
|-----|--|----------|--------|--|
| HB  | Buildings of Architectural Interest          | BPO40941 | LSC    | Local Shopping Centre                          |
| AMI | Areas of Metropolitan Importance             |          | AI     | Sites of Archeological Importance              |
| MDO | Major Sites with Development Opportunities   |          | SV     | Designated View of St. Paul's from Richmond    |
| MOL | Metropolitan Open Land                       |          | SNCI   | Sites of Nature Conservation Importance        |
| SBA | Small Business Area                          |          | REG 7  | Restricted size and use of Estate Agent Boards |
| PSC | Principal Shopping Centre (Core or Non-core) |          | ART IV | Restrictions of Permitted Development Rights   |

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unsuitable for Diplomatic Use	PSC		LSC	AI	SV	SNCI	REG 7	ART IV
									C	N						
2								6								

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

Density	
Site Area	
Habitable Rooms Proposed	
Proposed Density	

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

<b>Daylighting</b>	Complies	
	Infringes	

<b>Car Parking</b>	Spaces Required	
	Spaces Proposed	

**Notes:**

## 6 QUEENSDALE ROAD

Property Card N° : 0917 011 00

Sitename :  
 Comment :  
 TP Arch/History : 66179 H 12730  
 See Also : 2/10

PP040941

Xref :  
 Notes :

TP No	Brief Description of Proposal	1	of	7	Adverts & History No
	THE REVERSION OF THE GROUND FLOOR PREMISES TO SHOP USE.				H 12730

Received	Decision & Date	
Completd	Conditional	31/05/1966
Revised		

TP No	Brief Description of Proposal	2	of	7
	THE CONVERSION TO PROVIDE TWO S/C MAISONNETTES.			

Received	Decision & Date	
Completd	Unconditional	20/01/1967
Revised		

TP No	Brief Description of Proposal	3	of	7
TP/97/1458	ERECTION OF A REAR EXTENSION AT FIRST FLOOR LEVEL			

Received	02/07/1997	Decision & Date	
Completd	03/07/1997	Conditional	18/09/1997
Revised	08/08/1997		

TP No	Brief Description of Proposal	4	of	7
TP/97/2193	ERECTION OF A 1ST AND 2ND FLOOR REAR EXTENSION TO DWELLINGHOUSE			

\*\* HELD IN ABEYANCE FOR SOMETIME \*\*

Received	25/09/1997	Decision & Date	
Completd	30/09/1997	Withdrawn	17/11/1997L
Revised		BY COUNCIL	

## 6 QUEENSDALE ROAD

Property Card N° : 0917 011 00

Sitename :  
 Comment :  
 TP Arch/History : 66179 H 12730  
 See Also : 2/10

PP040941

Xref :  
 Notes :

TP No PP/00/0622 Brief Description of Proposal 5 of 7

ENCLOSURE OF PART OF FRONT LIGHTWELL, BY THE ERECTION OF AN  
 EXTERNAL DOOR AND SLOPING ROOF, TO FORM PORCH AT BASEMENT  
 LEVEL.

Received 10/03/2000 Decision & Date  
 Completd 13/03/2000 Conditional 16/05/2000  
 Revised 10/04/2000

TP No CL/03/1279 Brief Description of Proposal 6 of 7

PAST COMMENCEMENT OF WORKS IN CONJUNCTION WITH PLANNING  
 PERMISSION DATED 18/09/1997 (REF: TP/97/1458) CONCERNING  
 ERECTION OF REAR EXTENSION AT FIRST FLOOR LEVEL.  
 (CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT)  
 \*\*\*\*WITHDRAWN BY APPLICANT. 17/07/2003\*\*\*\*

Received 13/06/2003 Decision & Date  
 Completd 17/06/2003 Withdrawn 17/07/2003  
 Revised

TP No PP/04/0560 Brief Description of Proposal 7 of 7

ERECTION OF A REAR CONSERVATORY EXTENTION AT FIRST FLOOR LEVEL

Received 08/03/2004 Decision & Date  
 Completd 09/03/2004  
 Revised CURRENT

2-10 QUEENSDALE ROAD

. Property Card N° : 0917 007 00

Sitename :

Comment :

TP Arch/History : 66179 HISTORY

See Also : Ind. Nos.

PP040941

Xref :

Notes :

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

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> Any Queries Please Phone 0171 361 2199/2206/2015 <  
> Fax Requests (FOA Records Section) 0171 361 3463 <

**ROYAL BOROUGH OF KENSINGTON & CHELSEA**

**REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION**

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PLANNING & CONSERVATION COMMITTEE  
PLANNING SERVICES COMMITTEE  
DELEGATED

APP NO. PP/04/00941 /DT  
AGENDA ITEM NO.

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**ADDRESS/SUBJECT OF REPORT:**

6 Queensdale Road,  
London, W11 4QD

APPLICATION DATED 26/04/2004

APPLICATION REVISED

APPLICATION COMPLETE 28/04/2004

**APPLICANT/AGENT ADDRESS:**

S. & I. Parry,  
6 Queensdale Road,  
London,  
W11 4QD

CONS. AREA 2

CAPS Yes

ARTICLE '4' No

WARD NOB

LISTED BUILDING No

HBMC DIRECTION

CONSULTED OBJ.

SUPPORT PET.

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**RECOMMENDED PROPOSAL:**

RBK& C DRAWING NO(S):

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**RECOMMENDED DECISION:**

**CONDITIONS/REASONS FOR THE IMPOSITION OF CONDITIONS:**

# REASON FOR DELAY

CASE NO      /      /     

is identified as a "Target" application, with the target of being passed by the Head of Development Control within 6 weeks of the completion date.

of this application, there has been a delay, beyond 8 weeks,

unable to ensure that this case has been determined within the 8 week period for the following reason(s) *[highlight - there may be more than one reason!]*

in arranging initial Site Visit *[a date for this should be fixed up in the first week after you receive the case!]*

- is due to internal Consultation *[highlight as many as necessary]*
- (i) Design - Discussions/initial Obs.
  - (ii) Design - Formal Obs.
  - (iii) Transportation
  - (iv) Policy
  - (v) Environmental Health
  - (vi) Trees
  - (vii) Other

neighbour notification/external consultation necessary *(spread or time - please specify)*

revisions not requested in time  
number - Request all revisions by end of fourth week to stand reasonable chance of renotifying and determining case within 8 weeks!

revisions requested in time, but not received in time

revisions received but inadequate - further revisions requested

revisions received but reconsultation necessary

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

outside of the Committee cycle

applicant's instruction

REASON Please state] .....

.....

(Case Officer)

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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

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THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

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File Copy

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

Facsimile: 020-7361-3463  
Date: 04 May 2004

My reference: Your reference:  
My Ref: PS/DCN/PP/04/00941/DT

Please ask for: Planning Information Office

Dear Sir/Madam,

## TOWN AND COUNTRY PLANNING ACT 1990

### **Proposed development at: 6 Queensdale Road, London, W11 4QD**

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 Replacement of one section of trellis style fencing with slightly higher section of solid boarded panel along boundary with No. 4 Queensdale Road to rear of building.**

**Applicant S. & I. Parry, 6 Queensdale Road, London, W11 4QD**

Yours faithfully

**M. J. FRENCH**  
Executive Director, Planning and Conservation

## WHAT MATTERS CAN BE TAKEN INTO ACCOUNT

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

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

## WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT

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

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

## WHAT HAPPENS TO YOUR LETTER

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

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**TO: FOR FILE USE ONLY**

**From: EXECUTIVE DIRECTOR  
PLANNING & CONSERVATION**

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**My Ref: PP/04/00941/DT                      CODE A1**

**Room No:**

**NEWSPAPER DATE: 14/05/2004**

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**Date: 04 May 2004**

**DEVELOPMENT AT:**

**6 Queensdale Road, London, W11 4QD**

**DEVELOPMENT:**

**Replacement of one section of trellis style fencing with slightly higher section of solid boarded panel along boundary with No. 4 Queensdale Road to rear of building.**

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

4, Queensdale Road, London W11 4QD

① Adh

② DJ

ack 21/5  
DJ ✓

20<sup>TH</sup> May 2004

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	21 MAY 2004				PLANNING	
✓	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

*(Handwritten scribble)*

Attention : Mr D. Taylor  
The Royal Borough of Kensington and Chelsea,  
The Town Hall,  
Hornton Street,  
London, W8 7NX

Dear Sirs,

**RE: Proposed Development at 6, Queensdale Road, W11 4QD**  
**Ref: PS/DCN/PP/04/00941/DT**

Permission has been given recently for the erection of a rear conservatory extension at first floor level adjacent to the proposed trellis addition now applied for. If allowed the proposed development to increase the height of the existing trellis will exacerbate further the sense of enclosure.

The letter attached to the application from the owner of number 6 contains inaccuracies. In the first paragraph the comment ' a section slightly higher' is misleading. The current height of the trellis is 1.12 metres rather than the 1.2 metres given and the new section will reach 1.8 metres; this is a 60% increase which is significant. The comment ' any adult standing on the landing of it is at a height considerably above the party wall and looks straight over it into the garden' is again misleading. The present height of the trellis is 5 foot 2 inches above the landing with the proposed trellis height reaching 7 foot 6 inches which is considerably above the average female adult height of 5 foot 4 inches and male adult height of 5 foot 8 inches ( obviously eye level is below this figure). The landing is essentially that - part of a walkway down into our garden and therefore is unsuitable for 'standing around 'on.

We feel strongly that the current height of the trellis gives the owners of number 6 the privacy they crave and in fact when plants are given a chance to grow on the trellis ( this is generally what a trellis is used for) will block any view they perceive from our landing into their garden.

We feel that their attitude is extreme and will have a profound effect on us in terms of enclosure and of course there is a further effect on our light. We believe that the application should be rejected and the current trellis retained at the height and type it is.

Yours faithfully,

A handwritten signature in black ink that reads "David Landauer". The signature is written in a cursive, slightly slanted style.

David Landauer

# NOTICE OF A PLANNING APPLICATION



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

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

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

Details are set out below.

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

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

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

## SCHEDULE

Reference: PP/04/00941/DT

Date: 14/05/2004

**6 Queensdale Road, London, W11 4QD**

Replacement of one section of trellis style fencing with slightly higher section of solid boarded panel along boundary with No. 4 Queensdale Road to rear of building.

**APPLICANT**            **S. & I. Parry,**

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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

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

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**File Copy**

Direct Line: 020-7361-2701

Extension: 2701

Facsimilie:

Switchboard: 020-7937-5464

020-7361-3463

Date: 17 August 2004

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My Ref: DPS/DCN/PP/04/00941 Please ask for: Mr. D. Taylor  
ODPM's Reference: App/K5600/A/04/1157751

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Notice of a Planning Appeal relating to: 6 Queensdale Road, London, W11 4QD**

**Appellant: S. & I. Parry, Agent: S. & I. Parry**

A Planning Appeal has been made by S. & I. Parry, to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for : Replacement of one section of trellis style fencing with raised section of solid boarded panel along boundary with No. 4 Queensdale Road to rear of property.. This appeal will proceed by way of **WRITTEN REPRESENTATIONS**. Any representations you wish to make should be sent to: **The Planning Inspectorate, Room 3/07 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**. Please 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 15/09/2004 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 15/09/2004). 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 15/09/2004 (**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**

1. The proposed section of raised, solid boundary fence would depart from the general height and lightweight see through nature of boundary fencing in the vicinity, resulting in an incremental increase in sense of enclosure to neighbouring property. As such, it is considered that the proposed development would be contrary to Policies of the Unitary Development Plan, in particular CD27, CD36, and CD51.

## GROUNDS OF APPEAL

### Grounds for Appeal -6 Queensdale Road, London W11 4QD

1. The proposal was only necessitated because the LPA, in contravention of its own policies and guidelines – in particular paragraphs 4.3.20, 4.3.21 and 4.3.24, and CD40 of the RBKC Urban Development Plan of 2002, gave permission to our neighbours at No. 4 to erect an external terrace/balcony at upper ground floor level with an external staircase leading down to their garden from it. (It is relevant that they already had direct access to their garden). The new staircase has been built directly abutting the property boundary. The terrace/balcony and staircase are so positioned in terms of height and angle that every time our neighbours go up and down the stairs or stand on the terrace/balcony, they do so at a height considerably above the top edge of the party wall fence, and accordingly directly overlook our garden below, and in particular the bench on the patio where we sit.

The consequence of the LPA failing to comply with their own policies and guidelines (as cited above) has been greatly to impair our (previously good and highly valued) privacy, and to impose a significant and unreasonable constraint on our use and enjoyment of our garden. While we are overlooked by roof terraces, they are remote – you do not have anyone actually physically looming over you. The patio and bench have been in their present position for over 5 years.

2. At a site meeting between Derek Taylor of the LPA and Ingrid Parry of the appellant on the 24<sup>th</sup> March 2004, the appellant pointed out the problems caused by the LPA granting the permission referred to in para 1. Mr Taylor said the LPA would give consent for a proposal to raise a section of the fence. The appellant asked Mr Taylor to advise not only on what increase in height would be acceptable, but also on the width, and on the materials and design of the replacement section of fence. The proposal was prepared extremely carefully to accord with all Mr Taylor's requirements. It is accordingly averred that the proposal can not contravene CD 27 as is stated in the Reason for Refusal.

3. Another reason given for the refusal is the incremental increase in the sense of enclosure to the neighbouring property. Our comments on this are as follows:

3.1 Any such sense of enclosure is entirely self-inflicted by the action of our neighbour in the course of their current building works in reducing the level of their garden (without our consent - which they should have obtained under the Party Wall Act) by several feet – indeed to below the level of the footings of the existing wall.

3.2 As our proposal relates to a section of fence approximately 1.75m long, and the garden itself is over 10m long, any sense of enclosure would only apply to a very small section of his garden, and would in any event have the benefit of improving privacy.

3.3 The minimal increase in sense of enclosure to our neighbour is far less harmful than the direct and very proximate overlooking into our garden – which is both very significant and unreasonable- and has resulted in the impairment of our use and enjoyment of our garden.

3.4 The proposal would result in no loss of daylight or sunlight to the neighbouring property.

4. Another reason given for refusal is that the proposal does not conform to the lightweight and see through nature of the fencing in the vicinity. Our comments on this are as follows:

4.1 Historically the nature of the fencing in the vicinity has not been lightweight and see through. On the contrary, in the interests of privacy, the fencing has been completely concealed by climbing plants and shrubs. The only reason that the party fence wall between no. 4 and no.2 is open and see through is that in lowering the ground level to below the footings of the garden party walls, our neighbour at no. 4 undermined the walls, and the one between no. 2 and no.4 collapsed. A new wall and fence has recently been erected and new plants planted which have of course yet to get established.

5. As mentioned, the only reason the proposal was necessitated was because the LPA acted in contravention of its own policies and guidelines, thereby severely harming our privacy and use and enjoyment of our garden. No similar proposals are accordingly likely to be spawned by ours, which is simply designed to address a site specific problem caused by the LPA itself. Additionally, the proposal involves a small section of fencing at the rear of the property and as such it is hard to see how it could be held to affect the 'character of the area'. The appellants aver that CD51 is not contravened by the proposal.

6. In conclusion, the appellants case is that:

6.1 the LPAs decision is in part based on an incorrect premise, namely that the boundary fencing in the vicinity is ordinarily see through.

6.2 in reaching its decision the LPA failed correctly to balance the severe harm caused to us by the direct and proximate overlooking and damage to our privacy (caused by the LPA's own failure to implement its policies and guidelines) against a relatively small increase in sense of enclosure on the part of the neighbouring property, and failed to take into account that the owner of the neighbouring property created any sense of enclosure in the first place by reducing significantly his own ground level.

6.3 contrary to the statement made in the Reason for Refusal, the proposal would comply with the LPA's guidelines and policies including the specific ones listed, namely, CD27, CD36 and CD51 of the UDP (2002).

**APPEAL NOTIFICATIONS**

Re 6 Queensdale Road, London, W11 4QD

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

✓ WARD COUNCILLORS: (NORLAND)

1. Mr D. Lindsay
2. Mr Ernest P. Tomlin.
3. Mr Richard Walker-Anolt.

X(17)

✓ 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 .....





# The Planning Inspectorate

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

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

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

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

Your Ref: PP/04/00941/CHSE  
Our Ref: APP/K5600/A/04/1157751  
Date: 4 August 2004

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY S.& I. PARRY  
SITE AT 6 QUEENSDALE RD, LONDON, W11 4QD**

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.

31

EX DIR	HDC	TP	CAC	AD	CLU	AC	AL
R.B.	K.C.	6 AUG 2004			PLANNING		
N	C	SW	SE	ARB	IO	REC	FEE
				ARB	FPLN	DES	FEE

**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.

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

*A. Bailey*

*PP*

Mr Dave Shorland

102(BPR)

To: Policy, Transportation,  
Conservation & Design

From: Lesley Jones

Date: 04 August 2004

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

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

**ADDRESS: 6 Queensdale Road, London, W11 4QD**

**OUR REF: PP/04/00941 ODPM REF: App/K5600/**

**DEVELOPMENT:** Replacement of one section of trellis style fencing with raised section of solid boarded panel along boundary with No. 4 Queensdale Road to rear of property.

**TYPE OF APPEAL:**

**REASONS FOR REFUSAL:** See attached sheet

**D.C. CASE OFFICER:** Mr. D. Taylor **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)

Please contact the Case Officer for further details.

Thank you.

Lesley Jones  
Head of Development Control

PP/04/00941

REASON(S) FOR REFUSAL:

1. The proposed section of raised, solid boundary fence would depart from the general height and lightweight see through nature of boundary fencing in the vicinity, resulting in an incremental increase in sense of enclosure to neighbouring property. As such, it is considered that the proposed development would be contrary to Policies of the Unitary Development Plan, in particular CD27, CD36, and CD51.

NEW APPEAL

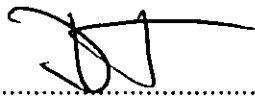
DATE: 04/08/2004

TO: Mr. D. Taylor

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

6 Queensdale Road, London, W11 4QD

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

copy for information

6 Queensdale Road London W11 4QD  
Tel 0207-221-0272

2 August 2004

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



EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		- 3 AUG 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

46

Dear Sir or Madam,

Recorded  
Delivery

**Appeal against decision dated 23.6.04  
PP/04/00941/CHSE - 6 Queensdale Road**

We enclose the following documents in relation to the above appeal:

1. Planning Appeal Form
2. List of documents sent to the LPA as part of the application which has been refused, and copies of the documents, namely one drawing, one photo, and a covering letter.
3. Copy of the original planning application sent to the LPA
4. Copy of the site ownership certificate and ownership details sent to the LPA.
5. Copy of the LPA's decision dated 23.6.04.
6. Plan showing the site outlined in red.

I confirm that no additional plans drawings or documents were sent to the LPA which did not form part of the original application, and that there are no additional plans etc. not previously seen by the LPA, or relevant correspondence with the LPA. We have today sent a copy of the Planning Appeal Form to the LPA.

We look forward to hearing from with the starting date.

Yours faithfully,

Simon & Ingrid Parry

# PLANNING APPEAL FORM

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

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 3 months of the date shown on the Local Planning Authority's decision notice or, for 'failure' appeals, within 3 months of the date by which they should have decided the application (or within 6 months in the case of applications made before 5 September 2003).

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 3 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

Address  Daytime phone no   
 Fax no

Postcode  E-mail

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

Name

Address  Your reference   
 Daytime phone no   
 Fax no

Postcode  E-mail

## C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA

LPA's application reference no.

Date of the planning application

Date of LPA's decision notice (if issued)



## D. APPEAL SITE ADDRESS

D

Address

6 QUEBENSDALE RD

LONDON

Postcode

W11 4QD

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

Size of the whole appeal site (in hectares)

Area of floor space of proposed development (in square metres)

Has the description of the development changed from that stated on the application form?

YES

NO

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

## 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 on the application form or in Section E.
2. Grant planning permission for the development subject to conditions to which you object.
3. Refuse approval of the matters reserved under an outline planning permission.
4. Grant approval of the matters reserved under an outline planning permission subject to conditions to which you object.
5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

or

6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval.

# G. CHOICE OF PROCEDURE

G

## 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.

Please tick ✓

### 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 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 APPRECIATE THE IMPAIRMENT TO PRIVACY + USE

+ ENJOYMENT OF OUR GARDEN WHICH THE DEVELOPMENT IS TO RECTIFY

### 2(a). 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.

### (b) 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 unduly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

## H. GROUNDS OF APPEAL

H

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return appeal form.

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 enough 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.

### Grounds for Appeal -6 Queensdale Road, London W11 4QD

1. The proposal was only necessitated because the LPA, in contravention of its own policies and guidelines – in particular paragraphs 4.3.20, 4.3.21 and 4.3.24, and CD40 of the RBKC Urban Development Plan of 2002, gave permission to our neighbours at No. 4 to erect an external terrace/balcony at upper ground floor level with an external staircase leading down to their garden from it. (It is relevant that they already had direct access to their garden). The new staircase has been built directly abutting the property boundary. The terrace/balcony and staircase are so positioned in terms of height and angle that every time our neighbours go up and down the stairs or stand on the terrace/balcony, they do so at a height considerably above the top edge of the party wall fence, and accordingly directly overlook our garden below, and in particular the bench on the patio where we sit.

The consequence of the LPA failing to comply with their own policies and guidelines (as cited above) has been greatly to impair our (previously good and highly valued) privacy, and to impose a significant and unreasonable constraint on our use and enjoyment of our garden. While we are overlooked by roof terraces, they are remote – you do not have anyone actually physically looming over you. The patio and bench have been in their present position for over 5 years.

2. At a site meeting between Derek Taylor of the LPA and Ingrid Parry of the appellant on the 24<sup>th</sup> March 2004, the appellant pointed out the problems caused by the LPA granting the permission referred to in para 1. Mr Taylor said the LPA would give consent for a proposal to raise a section of the fence. The appellant asked Mr Taylor to advise not only on what increase in height would be acceptable, but also on the width, and on the materials and design of the replacement section of fence. The proposal was prepared extremely carefully to accord with all Mr Taylor's requirements. It is accordingly averred that the proposal can not contravene CD 27 as is stated in the Reason for Refusal.

3. Another reason given for the refusal is the incremental increase in the sense of enclosure to the neighbouring property. Our comments on this are as follows:

3.1 Any such sense of enclosure is entirely self-inflicted by the action of our neighbour in the course of their current building works in reducing the level of their garden (without our consent - which they should have obtained under the Party Wall Act) by several feet – indeed to below the level of the footings of the existing wall.

3.2 As our proposal relates to a section of fence approximately 1.75m long, and the garden itself is over 10m long, any sense of enclosure would only apply to a very small section of his garden, and would in any event have the benefit of improving privacy.

3.3 The minimal increase in sense of enclosure to our neighbour is far less harmful than the direct and very proximate overlooking into our garden – which is both very significant and unreasonable- and has resulted in the impairment of our use and enjoyment of our garden.

3.4 The proposal would result in no loss of daylight or sunlight to the neighbouring property.

4. Another reason given for refusal is that the proposal does not conform to the lightweight and see through nature of the fencing in the vicinity. Our comments on this are as follows:

4.1 Historically the nature of the fencing in the vicinity has **not** been lightweight and see through. On the contrary, in the interests of privacy, the fencing has been completely concealed by climbing plants and shrubs. The only reason that the party fence wall between no. 4 and no.2 is open and see through is that in lowering the ground level to below the footings of the garden party walls, our neighbour at no. 4 undermined the walls, and the one between no. 2 and no.4 collapsed. A new wall and fence has recently been erected and new plants planted which have of course yet to get established.

5. As mentioned, the only reason the proposal was necessitated was because the LPA acted in contravention of its own policies and guidelines, thereby severely harming our privacy and use and enjoyment of our garden. No similar proposals are accordingly likely to be spawned by ours, which is simply designed to address a site specific problem caused by the LPA itself. Additionally, the proposal involves a small section of fencing at the rear of the property and as such it is hard to see how it could be held to affect the 'character of the area'. The appellants aver that CD51 is not contravened by the proposal.

6. In conclusion, the appellants case is that:

6.1 the LPAs decision is in part based on an incorrect premise, namely that the boundary fencing in the vicinity is ordinarily see through.

6.2 in reaching its decision the LPA failed correctly to balance the severe harm caused to us by the direct and proximate overlooking and damage to our privacy (caused by the LPA's own failure to implement its policies and guidelines) against a relatively small increase in sense of enclosure on the part of the neighbouring property, and failed to take into account that the owner of the neighbouring property created any sense of enclosure in the first place by reducing significantly his own ground level.

6.3 contrary to the statement made in the Reason for Refusal, the proposal would comply with the LPA's guidelines and policies including the specific ones listed, namely, CD27, CD36 and CD51 of the UDP (2002).

# I. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it we need to know the name(s) of the owner(s) or part owner(s). We also need to be sure that any other owner knows that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.**  
Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply: Please tick one box only

## CERTIFICATE A

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

OR

## CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice (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
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

## CERTIFICATES C and D

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

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

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b) **If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under 'Tenants name'.**

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

OR

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

Tenant's name	Address at which the notice was served	Date the notice was served
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>

# J. ESSENTIAL SUPPORTING DOCUMENTS

J

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 3 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- 1. A copy of the original **planning application** sent to the LPA.
- 2. A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form).
- 3. A copy of the **LPA's decision notice** (if issued).
- 4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map).
- 5. A list (stating drawing numbers) and copies of all **plans, drawings and documents** sent to the LPA as part of the application.
- 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

K

(Signed forms together with all supporting documents must be received by us within the 3 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

Ingrid Parry Simon Parry

(on behalf of)

Name (in capitals)

INGRID PARRY SIMON PARRY

Date

2/8/04

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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**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

S. & I. Parry  
6 Queensdale Road,  
London,  
W11 4QD

Switchboard: 020-7937-5464  
Direct Line: 020-7361-2701  
Extension: 2701  
Facsimile: 020-7361-3463

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

Date: 17 August 2004

My Ref: DPS/DCN/PP/04/00941/DT  
ODPM's Reference: App/K5600/A/04/1157751 Please ask for: Mr. D. Taylor

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Appeal relating to: 6 Queensdale Road, London, W11 4QD**

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.

EX DIR	HDC	TP	CAC	AD	CLU	AC AK
R.B. K.C.	31 AUG 2004				PLANNING	
N	C	SIV	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

30/8/04

Please find copy of letter today sent to Mr Sheppard of the Planning Inspectorate for information.

4 pages dated in total

*M J French*



INVESTOR IN PEOPLE



6 Queensdale Road London W11 4QD  
(020) 7221 0272

30 August 2004

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

**URGENT**

Dear Mr Shorland,

**6 Queensdale Road W11 4QD  
ref APP/K5600/A/04/1157751  
S&I Parry**

Thank you for your letter of 4<sup>th</sup> August. We have received the questionnaire from the LPA. We wish to comment on it and, in particular, on one of the enclosures sent with the questionnaire in advance of receipt of the LPA's statement, since it is evident from the enclosure that the only person to object to our original proposal has misunderstood what the effect of it would be. In addition, as a result of an inaccuracy in the planning drawing (for which we are responsible and sincerely apologize) incorrect measurements are contained in the Delegated Report. There is, therefore, a possibility that if the true impact of the proposal is appreciated, an agreement could be reached, and the time and costs to the Inspectorate and LPA saved. Obviously we must reserve our right to put in a reply to the LPA statement when received, if matters are not capable of resolution in this way.

The enclosure on which we comment is the letter of 20<sup>th</sup> May 2004 from David Landauer. Mr Landauer has not appreciated that the drawing submitted with the planning application is drawn from our side of the property and has made numerous incorrect calculations. **These are all factual matters which could be verified by a LPA planning officer.** The incorrect calculations include the following:

1. The height of the existing trellis from ground level is 2350 mm. The proposed increase in height **at the highest point** is accordingly 450mm (1'6"), **not 760mm** as Mr Landauer supposes, or indeed 600mm as reported in paras 2.0 and 4.4 of the Delegated Report.

2. The height of the existing trellis on our side is as given in the drawing - 1230mm not 1120mm as Mr Landauer states.
3. The proposal is to taper the increase in height, and it is only a section measuring 1175mm wide (of a garden fence which is over 10m long) which would be raised by the maximum 450mm, not the full 1.8m width of the panel as is stated in para 2.1 of the Delegated Report. This is equivalent to a 19.15% increase in height (as measured from the ground to the top of the trellis) for this small section.
4. The existing trellis is 1525mm (a fraction over 5') above both the new balcony outside Mr Landauer's sitting room, and the platform of the new staircase which has been built against the boundary wall, not 1580mm (5'2") as Mr Landauer states.

We have the following additional comments on the letter of 20<sup>th</sup> May.

5. Mr Landauer was aware before he commenced the building works in 2002 which included the insertion of new windows at rear ground floor level, the reduction of the ground level of his garden, and the erection of the staircase against the garden boundary wall, of the existence of the planning permission for our property to build on the flat roof at first floor level. This was originally obtained in 1997, but because the LPA took the view that the work which we carried out in 1998/9 under the terms of the permission was not 'qualifying work' we were obliged to submit a new application. The height of the proposed new room was shown on Mr Landauer's planning application drawings at our request.
6. The balcony outside Mr Landauer's sitting room is without doubt large enough for people to stand around on with pre-dinner drinks etc. The existing trellis stands 5' above this balcony, and accordingly even a person of modest height would look straight into our garden **above the top of - not through- the existing trellis**, and, as stated in our appeal case, would quite literally physically loom over us.

To summarize our comments on the Delegated Report, using the numbering of it:

- 2.1 the proposal is to add 450mm, not 600mm, to a section of fence 1150m wide tapering down to the height of the existing trellis for a further 650mm.
- 4.1 see below

4.2/3 as mentioned in the grounds of appeal, the design of the proposed new fencing panel, including the close boarding, was drawn to meet the suggestions of the planning officer with whom we discussed the matter. We would be quite happy to amend the design to incorporate trellising, to match as nearly as possible the existing, rather than solid boarding. Then people on the other side would only be looking *through*, not over the top of the trellising.

4.4 see 4.2 above.

4.5/6 The whole point is that people standing on the balcony and platform of the stairs look *over the top* of the trellising, *not through it* as is stated here. Please see para 5 above and the grounds of appeal for our comments on the points made regarding enclosure and loss of our privacy.

4.1 The LPA have confirmed that we are entitled under Class D part 1 Schedule 2 of the Town and Country Planning Act (General Permitted Development) Order as permitted development to construct a porch at the location where we are overlooked - provided it is no more than 3m above ground level or more than 3 sqm. This would stop the overlooking as effectively as increasing the height of the trellis. It seems paradoxical that we could find ourselves with no alternative but to erect such a structure which, because it falls outside planning control, could breach all the policies mentioned in this paragraph.

We were not sent the enclosures referred to in para. 18a of the questionnaire.

Yours sincerely,

  
Simon & Ingrid Parry

**Letter sent in duplicate  
cc LPA**

---

**PLANNING AND CONSERVATION**

---

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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

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Office of the Deputy Prime Minister,  
3/07 KiteWing,  
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2 The Square, Temple Quay,  
Bristol, BS1 6PN

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Extension: 2081

Facsimilie: 020-7361-3463

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

Date: 17 August 2004

My Ref: DPS/DCN/PP/04/00941/DT

ODPM's Reference: App/K5600/A/04/1157751

Please ask for: Kavita Sedov

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 6 Queensdale Road, London, W11 4QD**

With reference to the appeal on the above premises, I return the completed questionnaire, together with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.



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

---

S. & I. Parry  
6 Queensdale Road,  
London,  
W11 4QD

Switchboard: 020-7937-5464  
Direct Line: 020-7361-2701  
Extension: 2701  
Facsimile: 020-7361-3463

---

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

---

Date: 17 August 2004

---

My Ref: DPS/DCN/PP/04/00941/DT  
ODPM's Reference: App/K5600/A/04/1157751 Please ask for: Mr. D. Taylor

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Appeal relating to: 6 Queensdale Road, London, W11 4QD**

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

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.

15-Sept-04	
Number of Documents Enclosed	N/A
1	
1	
	✓

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

YES  NO  
 YES  NO

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

Signature

*[Signature]*

on behalf of

*RBKE*

Council

Date sent to us and the appellant

*17/8/04*

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

The Planning Inspectorate

For official use only  
Date Received

# QUESTIONNAIRE

## PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: *APP/KS600/A/04/115775* GRID REF:

APPEAL BY: *S.+J. PARRY*

SITE: *6 Queensdale Road,* POSTCODE *W11 4QD*

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'.

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).

YES  NO

if NO,

Do you wish to be heard by an Inspector at (a) a local inquiry? or

YES  NO

(b) a hearing?

YES  NO

**Note: If the written procedure is agreed 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.**

2a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road 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 2b is YES please explain:

*to gain full access to the appeal site.*

3. Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

Name

*K. Sedov*

Telephone no.

*020 7361 2081*

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

YES  NO

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

YES  NO  NA

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

6. Did you give publicity to the application?  
 - 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

YES  NO

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

YES  NO

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.) *Cons. Area 2 (NORLAND)*

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.

YES  NO  
 Sch1 Sch2 col 1

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

YES  NO

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

YES  NO

Number of Documents Enclosed	N/A
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	
1	
	<input checked="" type="checkbox"/>
1	
	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>
Enclosed	To be sent within 6 weeks from start date
	<input checked="" type="checkbox"/>

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;**  
*- Extracts from UDP Chapters 1-4*

j. Any supplementary planning guidance, together with its status, that you consider necessary;  
*- to follow with Council 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.**

6 Queensdale Rd / PP/54/94/DT

● The following documents have been sent with the questionnaire.

— Site notice —

~~Delegate/committee report~~ —

Cons area map — (2) NORLAND

~~Listed building listing~~ —

Udp policies —

CD 27, 33, 35, 36, 50, 51, 61+62.

Conservation area proposal statement —  
(page numbers)

— to follow with Statement.

Other

— Representation (1)



**PLANNING AND CONSERVATION**

**THE ROYAL  
BOROUGH OF**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**KENSINGTON  
AND CHELSEA**

S. & I. Parry  
6 Queensdale Road,  
London,  
W11 4QD

Switchboard: 020-7937-5464  
Direct Line: 020-7361-2701  
Extension: 2701  
Facsimile: 020-7361-3463

Date: 17 August 2004

My Ref: DPS/DCN/PP/04/00941/DT  
ODPM's Reference: App/K5600/A/04/1157751 Please ask for: Mr. D. Taylor

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Appeal relating to: 6 Queensdale Road, London, W11 4QD**

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.

EX DIR	HDC	TP	CAC	AD	CLU	AC
R.B. K.C.	2 SEP 2004				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

30/8/04

*Please find copy of letter today  
sent to Mr Sheppard of the Planning  
Inspectorate for information.*

*4 pages faxed in total*

*M J French*



INVESTOR IN PEOPLE

6 Queensdale Road London W11 4QD  
(020) 7221 0272

30 August 2004

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

**URGENT**

Dear Mr Shorland,

**6 Queensdale Road W11 4QD  
ref APP/K5600/A/04/1157751  
S&I Parry**

Thank you for your letter of 4<sup>th</sup> August. We have received the questionnaire from the LPA. We wish to comment on it and, in particular, on one of the enclosures sent with the questionnaire in advance of receipt of the LPA's statement, since it is evident from the enclosure that the only person to object to our original proposal has misunderstood what the effect of it would be. In addition, as a result of an inaccuracy in the planning drawing (for which we are responsible and sincerely apologize) incorrect measurements are contained in the Delegated Report. There is, therefore, a possibility that if the true impact of the proposal is appreciated, an agreement could be reached, and the time and costs to the Inspectorate and LPA saved. Obviously we must reserve our right to put in a reply to the LPA statement when received, if matters are not capable of resolution in this way.

The enclosure on which we comment is the letter of 20<sup>th</sup> May 2004 from David Landauer. Mr Landauer has not appreciated that the drawing submitted with the planning application is drawn from our side of the property and has made numerous incorrect calculations. **These are all factual matters which could be verified by a LPA planning officer.** The incorrect calculations include the following:

1. The height of the existing trellis from ground level is 2350 mm. The proposed increase in height **at the highest point** is accordingly 450mm (1'6"), **not 760mm** as Mr Landauer supposes, or indeed 600mm as reported in paras 2.0 and 4.4 of the Delegated Report.

2. The height of the existing trellis on our side is as given in the drawing - 1230mm not 1120mm as Mr Landauer states.
3. The proposal is to taper the increase in height, and it is only a section measuring 1175mm wide (of a garden fence which is over 10m long) which would be raised by the maximum 450mm, not the full 1.8m width of the panel as is stated in para 2.1 of the Delegated Report. This is equivalent to a 19.15% increase in height (as measured from the ground to the top of the trellis) for this small section.
4. The existing trellis is 1525mm (a fraction over 5') above both the new balcony outside Mr Landauer's sitting room, and the platform of the new staircase which has been built against the boundary wall, not 1580mm (5'2") as Mr Landauer states.

We have the following additional comments on the letter of 20<sup>th</sup> May.

5. Mr Landauer was aware before he commenced the building works in 2002 which included the insertion of new windows at rear ground floor level, the reduction of the ground level of his garden, and the erection of the staircase against the garden boundary wall, of the existence of the planning permission for our property to build on the flat roof at first floor level. This was originally obtained in 1997, but because the LPA took the view that the work which we carried out in 1998/9 under the terms of the permission was not 'qualifying work' we were obliged to submit a new application. The height of the proposed new room was shown on Mr Landauer's planning application drawings at our request.
6. The balcony outside Mr Landauer's sitting room is without doubt large enough for people to stand around on with pre-dinner drinks etc. The existing trellis stands 5' above this balcony, and accordingly even a person of modest height would look straight into our garden **above the top of - not through- the existing trellis**, and, as stated in our appeal case, would quite literally physically loom over us.

To summarize our comments on the Delegated Report, using the numbering of it:

- 2.1 the proposal is to add 450mm, not 600mm, to a section of fence 1150m wide tapering down to the height of the existing trellis for a further 650mm.
- 4.1 see below

- 4.2/3 as mentioned in the grounds of appeal, the design of the proposed new fencing panel, including the close boarding, was drawn to meet the suggestions of the planning officer with whom we discussed the matter. We would be quite happy to amend the design to incorporate trellising, to match as nearly as possible the existing, rather than solid boarding. Then people on the other side would only be looking *through*, not over the top of the trellising.
- 4.4 see 4.2 above.
- 4.5/6 The whole point is that people standing on the balcony and platform of the stairs look *over the top* of the trellising, *not through it* as is stated here. Please see para 5 above and the grounds of appeal for our comments on the points made regarding enclosure and loss of our privacy.
- 4.1 The LPA have confirmed that we are entitled under Class D part 1 Schedule 2 of the Town and Country Planning Act (General Permitted Development) Order as permitted development to construct a porch at the location where we are overlooked - provided it is no more than 3m above ground level or more than 3 sqm. This would stop the overlooking as effectively as increasing the height of the trellis. It seems paradoxical that we could find ourselves with no alternative but to erect such a structure which, because it falls outside planning control, could breach all the policies mentioned in this paragraph.

We were not sent the enclosures referred to in para.18a of the questionnaire.

Yours sincerely,

  
Simon & Ingrid Parry

**Letter sent in duplicate  
cc LPA**

7361 3463



their rear ground floor internal floorspace as the higher panel would restrict some of the existing views out at that level. It is concluded that the marginal increase in privacy to the garden of no.6 would be outweighed by the incremental increase in enclosure that would result to the rear of no.4.

## **5.0 CONCLUSIONS**

- 5.1 It is concluded that there are a number of Unitary Development Plan Policies that are applicable to the proposed development, and that the proposals should accord with these Policies unless material considerations indicate otherwise.
- 5.2 It is concluded that, by a matter of fact and degree, the proposed increase in height of the boundary fence would result in harm to the character and appearance of the Conservation Area, and would increase the sense of enclosure to the rear ground floor of no.4 adjacent. As such, the appeal proposal does not accord with the adopted Unitary Development Plan.
- 5.3 It is concluded that there are no material considerations that would justify the granting of planning permission as an exception to the relevant development plan policies.
- 5.4 It is concluded that there are sound and justifiable reasons why planning permission should not be granted for the development to which the appeal relates. Therefore, the Secretary of State is respectfully requested to refuse planning permission and dismiss this appeal.

6.0 **CONDITIONS**

6.1 In the event that the Inspector decides that planning permission should be granted, the Council recommends the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
  
- (2) That the raised section of fence hereby permitted shall be of an open trellis type and not solid in construction or appearance.

PP040941

6 Queensdale Road London W11 4QD  
(020) 7221 0272

25 April 2004

Derek Taylor  
Planning & Conservation  
The Town Hall  
Hornton Street  
London W8 7NX

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		27 APR 2004			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

Dear Mr Taylor,

**Town & Country Planning Act 1990  
6 Queensdale Road**

I enclose an application to replace one section of trellis fencing which separates our garden from that of number 4 Queensdale with a section of slightly higher boarded fencing.

Our neighbours at number 4 have recently installed an external staircase from the ground floor of their house down to the garden. The new staircase abuts the party wall and means that any adult standing on the landing of it is at a height considerably above the party wall and looks straight over it into our garden. It is only necessary to replace one panel of trellising (out of five along the boundary wall) to restore some privacy. I enclose:

Planning application PP1 and Certificate A

Site Location Plan in quadruplicate

Drg no SB1 showing both proposed and existing in quadruplicate

Cheque for £110.

Photograph of the existing fencing panel in duplicate.

I hope the above is sufficient.

Yours sincerely,



Ingrid Parry



6 Queensdale Road London W11 4QD  
(0171) 221 0272

25th August '04

Brian Roche  
Regent Airways & Kinsington Chelsea  
apt 75  
The Terrace Hall  
Hampton St  
London W8 7NT

FAO : DEREK

CERTIFICATE A RECEIVED  
FOR PP/04/0560  
RE 6 QUEENSDALE ROAD.,

Per Mr Roche, PP/04/0560 - 6 Queensdale Rd 26/8/4. BRIM

Thank you for your letter of 30th July.  
Unfortunately this did not arrive until  
after our departure on holiday on  
3rd August.

I am finally certificate A as requested  
and will post the original in the post

Yours sincerely,

Wid Perry.

INGRID PARRY

EX DIR	HDC	TP	CAC	AD	CLU	AC AK
R.B.	25 AUG 2004			PLANNING		
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE\$

**THE ROYAL BOROUGH OF KENSINGTON & CHELSEA**

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT  
PROCEDURE) ORDER 1995  
CERTIFICATE UNDER ARTICLE 7**

Complete only one certificate, either A, B, C or D to accompany your application  
(see notes for applicants)

**CERTIFICATE A**

I certify that:

- No person other than the applicant was an owner (a) of any part of the land to which the application relates at the beginning of the period 21 days before the date of this application.
- None of the land to which this application relates constitutes or forms part of an agricultural holding.

Signed: *[Handwritten Signature]*

On behalf of:

Date: 25/8/04

**CERTIFICATE B**

I certify that:

- I have/The applicant has given requisite notice to the persons specified below, being persons who on the day 21 days before the date of the application were owners (a) of any part of the land to which the application relates.
- None of the land to which the application relates constitutes or forms part of an agricultural holding.

Owner's name	Address at which notice was served	Date on which notice was served
--------------	------------------------------------	---------------------------------



**THE ROYAL BOROUGH OF KENSINGTON & CHELSEA**

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT  
PROCEDURE) ORDER 1995  
CERTIFICATE UNDER ARTICLE 7**

Complete only one certificate, either A, B, C or D to accompany your application  
(see notes for applicants)

**CERTIFICATE A**

I certify that:

- No person other than the applicant was an owner (a) of any part of the land to which the application relates at the beginning of the period 21 days before the date of this application.
- None of the land to which this application relates constitutes or forms part of an agricultural holding.

Signed:

*WJ 45 Parry*  
*WJ Parry*

On behalf of:

Date: 25/8/04

**CERTIFICATE B**

I certify that:

- I have/The applicant has given requisite notice to the persons specified below, being persons who on the day 21 days before the date of the application were owners (a) of any part of the land to which the application relates.
- None of the land to which the application relates constitutes or forms part of an agricultural holding.

Owner's name	Address at which notice was served	Date on which notice was served
--------------	------------------------------------	---------------------------------

Signed:

On behalf of:

Date:



M. J. FRENCH, FRICS, Dip. T. P. MRTP1, Cert TS  
Executive Director of Planning and Conservation

30<sup>th</sup> July 2004

SIMON & INGRID PARRY  
6 QUEENSDALE ROAD  
LONDON  
W11 4QD

Switchboard: 0171-937-5464  
Extension: 2010  
Direct Line: 0171-361-2010  
Facsimile: 0171-361-3463

My reference: TP/

Your reference:

Please ask for: BRIAN ROCHE

Dear Sir (Madam),

(Fees & Registration Officer)

Town and Country Planning Act. 1990 - Town and Country Planning  
(General Permitted Development) Order 1995 and (Application) Regulations 1988

Town and Country Planning (Fees for Applications and Deemed Applications)  
(Amendment) Regulations 1993 et seq

I refer to your Town Planning Application dated 29/7/4 for 6 QUEENSDALE ROAD

- YOUR APPLICATION TO VARY CONDITION 2 OF PP/04/0560 HAS BEEN REGISTERED.

In Support of your application could you please supply me with the following information:-

- Photograph(s) of
- Copies of

• TO VALIDATE YOUR APPLICATION PLEASE COMPLETE AND RETURN CERTIFICATE A OR B.

In the meantime your application will be registered; however, you are requested to note that the processing of the application will be delayed unless the requested information is received within 14 days of the date of this letter.

Yours faithfully,

Brian G. Roche

PP

M.J. French  
Executive Director of Planning and Conservation

PLEASE RETURN TEAR OFF SLIP BELOW WITH INFORMATION REQUIRED

REF: TP/N /APP/END \_\_\_\_\_ ATT/PM

Address: 6 QUEENSDALE ROAD  
LONDON W11.

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

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

---

**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,  
3/07 Kite 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: 13 September 2004

My Ref: DPS/DCN/PP/04/00941/DT  
ODPM's Reference: App/K5600/A/04/1157751

Please ask for: Kavita Sedov

Dear Sir/Madam,  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**Appeal relating to: 6 Queensdale Road, London, W11 4QD**

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

Yours faithfully

**Michael J. French**  
**Executive Director, Planning and Conservation**

Enc.



INVESTOR IN PEOPLE

File Copy

**THE ROYAL BOROUGH OF KENSINGTON & CHELSEA**

**6 Queensdale Road London W11**

**Statement of the Royal Borough Of Kensington and Chelsea, relating to the appeal by Written Representations by S&I Parry, under Section 78 of the Town and Country Planning Act 1990, against this Council's refusal to grant planning permission for the replacement of one section of trellis style fencing with a raised section of solid boarded panel along the boundary with No. 4 Queensdale Road, to rear of the property.**

**DoE ref. APP/K5600/A/04/1157751**

**LPA ref. PP/04/0941**

## **CONTENTS OF STATEMENT**

### **Introduction**

1. **Site Description**
2. **Summary of the development to which the appeal relates**
3. **Unitary Development Plan Policy**
4. **Justification for Refusal of Planning Permission**
5. **Conclusions**
6. **Suggested Conditions**

## **LIST OF APPENDICES**

1. **Location Map**
2. **Officer's Report under Delegated Powers**
3. **Notice of Refusal**
4. **List of Relevant UDP policies.**

## 1.0 SITE DESCRIPTION

- 1.1 The application property is a terraced residential house comprising a basement, ground and two upper floors, located towards the eastern end of Queensdale Road. The property is within the Norland Conservation Area, but is not Listed
- 1.2 A Location Map is enclosed as **Appendix (1)**.

## 2.0 SUMMARY OF THE DEVELOPMENT TO WHICH THE APPEALS RELATE

- 2.1 It is proposed to add to the height of one section of boundary fence near to the rear extension. The present boundary fence with no.4 comprises a brick wall with trellis attached to the top, and it is proposed to replace just one of these 1.8m length sections with a close boarded solid section of fence to the higher level.
- 2.2 The Council calculated the increase in height as being approximately 600mm, whilst it is noted that the appellants in their letter of 17<sup>th</sup> August calculate it as being a lesser increase of 450mm; it is considered that this discrepancy can easily be corrected and verified by measurement during the Inspector's Site Visit.
- 2.3 The application was refused on 23<sup>rd</sup> June 2004. A copy of the Officer's Report is included as **Appendix (2)**, and the Notice of Refusal as **Appendix (3)**.
- 2.4 The Reason for Refusal of planning permission is:

**The proposed section of raised, solid boundary fence would depart from the general height and lightweight see through nature of boundary fencing in the vicinity, resulting in an incremental increase in sense of enclosure to neighbouring property. As such, it is considered that the proposed development would be contrary to Policies of the Unitary Development Plan, in particular CD27, CD36, and CD51.**

## 3.0 PLANNING POLICY BACKGROUND

- 3.1 The Modified Unitary Development Plan (UDP) for the Royal Borough contains the planning policies relevant to the proposals. The UDP was originally adopted in 1995, and the Modified up to date version adopted on 25<sup>th</sup> May 2002.
- 3.2 The policies considered to be of particular relevance are CD27, CD33, CD35, CD36, CD50, CD51, CD61 and CD62.
- 3.3 These policies are set out in **Appendix (4)**.



**4.0 AMPLIFICATION OF THE REASONS WHY THE COUNCIL CONSIDERED THAT PLANNING PERMISSION SHOULD BE REFUSED**

- 4.1 It is considered that the key issues upon which this appeal must turn are assessment of the impact upon the character and appearance of the property, upon the terrace and Conservation Area of which it forms part, and upon the existing levels of amenity enjoyed by residents of neighbouring property.
- 4.2 The existing boundary to this and other nearby properties comprise trellis fence above brick wall, often covered with vegetation, some of this (including much of the boundary to no.6) being quite dense. It is considered that trellis fence is very much part of the character of the immediate area, and there is not considered to be any difficulty in planning terms with the principle of trellis in this vicinity.
- 4.3 There are, however, considered to be concerns relating to the height of the proposed fence, and its' solidity.
- 4.4 The existing height of boundary fence between no.4 and 6 is fairly consistent around their boundaries, but the increased height would take the boundary between no.4 and 6 beyond this local 'norm'. This would be true whether the absolute increase in height was 450mm or 600mm, although there would clearly be a difference by matter of degree. Similarly, the introduction of a solid section (i.e not see through lattice work) would also depart from this 'norm' in the immediate vicinity. However, the Council accepts that simply departing from a 'norm' is not generally enough to raise a planning objection; some harm would need to result to constitute a material concern and justify a dismissal of this appeal..
- 4.5 There is often a struggle to find a suitable compromise between privacy, sense of enclosure, and visual amenity in the context of boundary walls or fencing between properties. This is particularly so in the densely built up vicinity of the appeal property. The appellants in this case have sought the increase in the height and solidity of their boundary in order to increase their privacy, in particular to reduce views from the nearby metal stairs and platform descending to the garden at no.4. In turn, this would increase the already hemmed in feel within the garden to no.4, affecting enjoyment of that garden. To some extent the low level of garden at no.4 combined with the trellis they themselves have erected contributes to a fairly enclosed feel already in the garden of no.4. And to some extent the garden to no.6 is already overlooked more from upper level windows than any degree of overlooking that could be obtained *through* the existing trellis fence on the boundary wall. It is all a matter of trying to find a reasonable balance.
- 4.6 Sense of enclosure is not measurable mathematically along the lines of daylight, but requires assessment on site and is in many ways a matter of perception but set in the context of 'reasonableness'. It is considered that the proposed raised, solid, section of boundary fence would, by a matter of fact and degree, add a further element to the boundary that would increase the sense of enclosure to the garden of no.4, and also to



# The Planning Inspectorate

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GTN 1371-8930

DT

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

Your Ref: PP/04/00941/CHSE  
Our Ref: APP/K5600/A/04/1157751  
Date: 17 September 2004

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY S.& I. PARRY  
SITE AT 6 QUEENSDALE RD, LONDON, W11 4QD**

I enclose a copy of the appellants' statement plus an interested party letter relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 9 weeks from the starting date. You should comment solely on the representations enclosed with this letter.

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

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

Mr Dave Shorland

211AL(BPR)

21

EX DIR	HDC	TP	C&C	AD	CLU	AO AK
R.B.	20 SEP 2004				PLANNING	
N	C	S/W	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEEs

6 Queensdale Road London W11 4QD  
(020) 7221 0272

30 August 2004

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

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	20 SEP 2004				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

URGENT

Dear Mr Shorland,

6 Queensdale Road W11 4QD  
ref APP/K5600/A/04/1157751  
S&I Parry

Thank you for your letter of 4<sup>th</sup> August. We have received the questionnaire from the LPA. We wish to comment on it and, in particular, on one of the enclosures sent with the questionnaire in advance of receipt of the LPA's statement, since it is evident from the enclosure that the only person to object to our original proposal has misunderstood what the effect of it would be. In addition, as a result of an inaccuracy in the planning drawing (for which we are responsible and sincerely apologize) incorrect measurements are contained in the Delegated Report. There is, therefore, a possibility that if the true impact of the proposal is appreciated, an agreement could be reached, and the time and costs to the Inspectorate and LPA saved. Obviously we must reserve our right to put in a reply to the LPA statement when received, if matters are not capable of resolution in this way.

The enclosure on which we comment is the letter of 20<sup>th</sup> May 2004 from David Landauer. Mr Landauer has not appreciated that the drawing submitted with the planning application is drawn from our side of the property and has made numerous incorrect calculations. **These are all factual matters which could be verified by a LPA planning officer.** The incorrect calculations include the following:

1. The height of the existing trellis from ground level is 2350 mm. The proposed increase in height **at the highest point** is accordingly 450mm (1'6"), **not 760mm** as Mr Landauer supposes, or indeed 600mm as reported in paras 2.0 and 4.4 of the Delegated Report.

2. The height of the existing trellis on our side is as given in the drawing - 1230mm not 1120mm as Mr Landauer states.
3. The proposal is to taper the increase in height, and it is only a section measuring 1175mm wide (of a garden fence which is over 10m long) which would be raised by the maximum 450mm, not the full 1.8m width of the panel as is stated in para 2.1 of the Delegated Report. This is equivalent to a 19.15% increase in height (as measured from the ground to the top of the trellis) for this small section.
4. The existing trellis is 1525mm (a fraction over 5') above both the new balcony outside Mr Landauer's sitting room, and the platform of the new staircase which has been built against the boundary wall, not 1580mm (5'2") as Mr Landauer states.

We have the following additional comments on the letter of 20<sup>th</sup> May.

5. Mr Landauer was aware before he commenced the building works in 2002 which included the insertion of new windows at rear ground floor level, the reduction of the ground level of his garden, and the erection of the staircase against the garden boundary wall, of the existence of the planning permission for our property to build on the flat roof at first floor level. This was originally obtained in 1997, but because the LPA took the view that the work which we carried out in 1998/9 under the terms of the permission was not 'qualifying work' we were obliged to submit a new application. The height of the proposed new room was shown on Mr Landauer's planning application drawings at our request.
6. The balcony outside Mr Landauer's sitting room is without doubt large enough for people to stand around on with pre-dinner drinks etc. The existing trellis stands 5' above this balcony, and accordingly even a person of modest height would look straight into our garden **above the top of - not through- the existing trellis**, and, as stated in our appeal case, would quite literally physically loom over us.

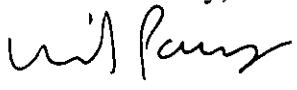
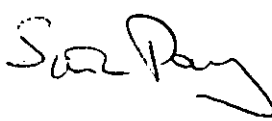
To summarize our comments on the Delegated Report, using the numbering of it:

- 2.1 the proposal is to add 450mm, not 600mm, to a section of fence 1150m wide tapering down to the height of the existing trellis for a further 650mm.
- 4.1 see below

- 4.2/3 as mentioned in the grounds of appeal, the design of the proposed new fencing panel, including the close boarding, was drawn to meet the suggestions of the planning officer with whom we discussed the matter. We would be quite happy to amend the design to incorporate trellising, to match as nearly as possible the existing, rather than solid boarding. Then people on the other side would only be looking *through*, not over the top of the trellising.
- 4.4 see 4.2 above.
- 4.5/6 The whole point is that people standing on the balcony and platform of the stairs look *over the top* of the trellising, *not through it* as is stated here. Please see para 5 above and the grounds of appeal for our comments on the points made regarding enclosure and loss of our privacy.
- 4.1 The LPA have confirmed that we are entitled under Class D part 1 Schedule 2 of the Town and Country Planning Act (General Permitted Development) Order as permitted development to construct a porch at the location where we are overlooked - provided it is no more than 3m above ground level or more than 3 sqm. This would stop the overlooking as effectively as increasing the height of the trellis. It seems paradoxical that we could find ourselves with no alternative but to erect such a structure which, because it falls outside planning control, could breach all the policies mentioned in this paragraph.

We were not sent the enclosures referred to in para. 18a of the questionnaire.

Yours sincerely,

   
Simon & Ingrid Parry

**Letter sent in duplicate  
cc LPA**

- Point 3.1 & 3.2 There is a significant increase in the sense of enclosure to us. See Derek Taylor's comments. By the admission of the Parry's Party Wall surveyor they omitted to obtain a Party Wall agreement when they carried out significant works to their garden. Please note that our garden works were carried out under the supervision of the Parrys and our joint surveyor as well as our structural engineer.
- Point 3.3 & 3.4 Incorrect. See Derek Taylor's comments.
- Point 4. Incorrect. The fencing has not been completely concealed by climbing plants. Although the wall between number 2 and ourselves has nothing to do with the Parrys by way of reference it was agreed that due to the wall being in such a state of disrepair both number 2 and ourselves would take down and rebuild the wall with the cost divided equally. The work in our garden had no effect on the wall.
- Point 5. The type of boarding the Parrys are suggesting is not seen in the area.

To conclude we believe that the decision by the Kensington and Chelsea Planning Department should stand.

We would like to be advised of the Inspector's decision and we would appreciate, as offered, acknowledgement of the correspondence.

For ease of reference we enclose a copy of our letter dated 20<sup>th</sup> May 2004 outlining our objections.

Yours faithfully,



David Landauer

**4, Queensdale Road, London W11 4QD**

20<sup>TH</sup> May 2004

Attention : Mr D. Taylor  
The Royal Borough of Kensington and Chelsea,  
The Town Hall,  
Hornton Street,  
London, W8 7NX

Dear Sirs,

**RE: Proposed Development at 6, Queensdale Road, W11 4QD**  
**Ref: PS/DCN/PP/04/00941/DT**


Permission has been given recently for the erection of a rear conservatory extension at first floor level adjacent to the proposed trellis addition now applied for. If allowed the proposed development to increase the height of the existing trellis will exacerbate further the sense of enclosure.

The letter attached to the application from the owner of number 6 contains inaccuracies. In the first paragraph the comment ' a section slightly higher' is misleading. The current height of the trellis is 1.12 metres rather than the 1.2 metres given and the new section will reach 1.8 metres; this is a 60% increase which is significant. The comment ' any adult standing on the landing of it is at a height considerably above the party wall and looks straight over it into the garden' is again misleading. The present height of the trellis is 5 foot 2 inches above the landing with the proposed trellis height reaching 7 foot 6 inches which is considerably above the average female adult height of 5 foot 4 inches and male adult height of 5 foot 8 inches ( obviously eye level is below this figure). The landing is essentially that - part of a walkway down into our garden and therefore is unsuitable for 'standing around 'on.

We feel strongly that the current height of the trellis gives the owners of number 6 the privacy they crave and in fact when plants are given a chance to grow on the trellis ( this is generally what a trellis is used for) will block any view they perceive from our landing into their garden.

We feel that their attitude is extreme and will have a profound effect on us in terms of enclosure and of course there is a further effect on our light. We believe that the application should be rejected and the current trellis retained at the height and type it is.

Yours faithfully,

A handwritten signature in cursive script that reads "David Landauer". The signature is written in black ink and is positioned above the printed name.

David Landauer



DT.



# The Planning Inspectorate

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Fax No 0117-3728443  
GTN 1371-8930

Mrs R Townley (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/04/00941/CHSE  
Our Ref: APP/K5600/A/04/1157751  
Date: 11 October 2004

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY S.& I. PARRY**  
**SITE AT 6 QUEENSDALE RD, LONDON, W11 4QD**

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

Yours faithfully

Mr Dave Shorland

217L(BPR)

EX DIR	HDC	TP	C&C	AD	CLU	AO AK
R.B.		12 OCT 2004				PLANNING
K.C.						
N	C	S.W.	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

(37)

6 Queensdale Road London W11 4QD  
(020) 7221 0272

20 September 2004

Mr Dave Shorland  
The Planning Inspectorate  
3/07 Kite Wing  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
ref APP/K5600/A/04/1157751  
By fax & post in dup.

EX DIR	HDC	TP	C&C	AD	CLU	AO AK
R.B.	12 OCT 2004				PLANNING	
K.C.						
N	C	S.I.	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Dear Mr Shorland,

**Appeal by S&I Parry  
6 Queensdale Road London W11 4QD**

Thank you for your letter of 17<sup>th</sup> September.

We enclose a further copy of our letter to you of 30<sup>th</sup> August, and would ask you, kindly, to accept that letter as constituting our comments on the statement, in addition to the following:

**LPA Statement**

1. The LPA have not taken into account several points made in our letter of 30<sup>th</sup> August (not 17<sup>th</sup> as stated in the LPA statement) including:

at present our neighbours look **over the top** of, **not** through, the existing trellis fence when standing on their new balcony, or on the platform of the new staircase which now abuts the party wall. As mentioned they would physically loom over us, looking down on us from directly above us. The proximity of this 'overlooking' is quite different from the remote overlooking to which all properties are subject from upper floor windows or roof terraces; (4.5)

as stated in our letter of 30<sup>th</sup> August, we would be quite happy to form the raised section of fencing in trellising to match, as near as possible, the existing; (4.2,4.3,4.4)

we are seeking the increase in height (and, subject as above, solidity) of our boundary to **restore** our privacy not increase it, and to us this is not 'marginal' but essential if we are to be able to use and enjoy our garden again. (4.6)

2. Turning to the relevant policies cited by the LPA in Appendix 4, a copy of which, for ease of reference, we enclose as Appendix 1, we comment as follows:

### **CD27, CD62**

2.1 our proposal was drawn to accord with the advice of Derek Taylor in terms of what would be acceptable to the LPA, and this included close boarding. Had we been advised to use trellising we would have done so. We aver therefore that there can be no breach of policy CD27 or CD62. The LPA have stated that one reason for their objection is the solidity of the fence. Should the Inspector be minded to grant our appeal, we are, as mentioned above, very happy to construct the raised fence panel in trellising,

### **CD33**

2.2 the proposal would have no effect on the sunlight or daylight enjoyed by no. 4, and accordingly does not contravene this policy;

### **CD35**

2.3 the proposal is designed to restore our privacy following the LPA's granting of a permission which contravened this policy, among others; the effect of the proposal would be to increase the privacy for both properties;

### **CD36**

2.4 any existing sense of enclosure to the garden of no.4 was brought about by the owner of no. 4 significantly reducing his ground level. The entire length of the proposed new raised fence panel abuts the staircase down to the garden of no.4, not the garden itself. Any increased sense of enclosure from erecting it would accordingly affect a very small, unuseable part of his garden. The only downstairs ground level views which would be restricted are **into our garden**. When considering the levels of amenity enjoyed by the occupants of no. 4 and no. 6, (use and enjoyment of our respective gardens), any increase in sense of enclosure is far less harmful than the decrease in privacy to us.

### **CD50, CD51, CD61**

2.5 we submit that raising a 1.175 metre section of a 10 metre long garden fence at the rear of our property by 1' 6" (450mm tapering down for a further 600mm) :

would not result in harm to the character and appearance of the Conservation area ; (5.6)

could not be considered an unsympathetic small-scale development; our proposal will not spawn further similar developments because it is site-specific,

and designed only to restore privacy eroded entirely by the Council's actions; as policy CD51 requires both the development to be unsympathetic, **and** likely to encourage similar proposals - in other words it is not drafted as **either/or** - our proposal does not contravene this policy.

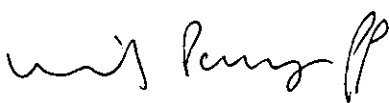
We would refer you to the grounds of appeal and letter of 30<sup>th</sup> August which contain fuller reasons for why we submit that none of the cited policies are contravened by our proposal

**Letter of Interested Party of 30<sup>th</sup> August**

3. We do not propose to answer in detail the points made in this letter, as most of the matters are either irrelevant, or will be resolved by inspection. We must however, for the record, state that the assertions made in 3.1 and 3.2 are entirely unfounded and incorrect.

We respectfully request that our appeal should be granted, either as per the original proposal, or subject to the condition that the raised section of fence be of an open trellis type, and not solid in construction or appearance, as the Inspector shall see fit.

Yours faithfully,



Simon & Ingrid Parry

12 OCT 2004

RELEVANT UDP POLICIES

- CD27 TO ENSURE THAT ALL DEVELOPMENT IN ANY PART OF THE BOROUGH IS TO A HIGH STANDARD OF DESIGN AND IS SENSITIVE TO AND COMPATIBLE WITH THE SCALE, HEIGHT, BULK, MATERIALS AND CHARACTER OF THE SURROUNDINGS.
- CD33 TO RESIST DEVELOPMENT WHICH SIGNIFICANTLY REDUCES SUNLIGHT OR DAYLIGHT ENJOYED BY EXISTING ADJOINING BUILDINGS AND AMENITY SPACES.
- CD35 TO REQUIRE DEVELOPMENT TO BE DESIGNED TO ENSURE SUFFICIENT VISUAL PRIVACY OF RESIDENTS AND THE WORKING POPULATION.
- CD36 TO RESIST DEVELOPMENT WHERE IT WOULD RESULT IN A HARMFUL INCREASE IN THE SENSE OF ENCLOSURE TO NEARBY RESIDENTIAL PROPERTY.
- CD50 TO PERMIT ALTERATIONS ONLY WHERE THE EXTERNAL APPEARANCE OF BUILDINGS OR THE SURROUNDING AREA WOULD NOT BE HARMED.
- CD51 TO RESIST UNSYMPATHETIC SMALL-SCALE DEVELOPMENTS WHICH IN THEMSELVES CAUSE HARM AND WHERE THE CUMULATIVE EFFECT OF A NUMBER OF SIMILAR PROPOSALS WOULD BE DETRIMENTAL TO THE CHARACTER OF THE AREA.
- CD61 TO ENSURE THAT ANY DEVELOPMENT IN A CONSERVATION AREA PRESERVES AND ENHANCES THE CHARACTER OR APPEARANCE OF THE AREA.
- CD62 TO ENSURE THAT ALL DEVELOPMENT IN CONSERVATION AREAS IS TO A HIGH STANDARD OF DESIGN AND IS COMPATIBLE WITH:
- a) CHARACTER, SCALE AND PATTERN;
  - b) BULK AND HEIGHT;
  - c) PROPORTION AND RHYTHM;
  - d) ROOFSCAPE;
  - e) MATERIALS;
  - f) LANDSCAPING AND BOUNDARY TREATMENT;
- OF SURROUNDING DEVELOPMENT.

DT.



# The Planning Inspectorate

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Mrs R Townley (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/04/00941/CHSE  
Our Ref: APP/K5600/A/04/1157751  
Date: 28 January 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY S.& I. PARRY  
SITE AT 6 QUEENSDALE RD, LONDON, W11 4QD**

I am writing to inform you that the site inspection which was scheduled to take place at 12:15 on Wednesday 16 February 2005 has been cancelled because we have received a request for postponement.

A fresh date for the site visit will be arranged as soon as possible.

Yours faithfully

Mr S Bartle

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

209H

11

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		31 JAN 2005			PLANNING	
N	C	S.W	SE	APP	IO	REC
HSS			ARB	FPLN	DES	FEES



# The Planning Inspectorate

DT.

3/23 Hawk Wing  
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Direct Line 0117-3728460  
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 GTN 1371-8460

Mrs R Townley (Dept Of Planning & Conservation)  
 Kensington And Chelsea R B C  
 Planning Services Department  
 3rd Floor  
 The Town Hall  
 Hornton Street  
 London  
 W8 7NX

Your Ref: PP/04/00941/CHSE  
 Our Ref: APP/K5600/A/04/1157751  
 Date: 27 January 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
 APPEAL BY S. & I. PARRY  
 SITE AT 6 QUEENSDALE RD, LONDON, W11 4QD**

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

Mr Clive Conroy BA(Hons) MCD MRTPI

The Inspector will visit the appeal site at 12:15 on 16 February 2005. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

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

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

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

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

60

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	31 JAN 2005				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEEs

Yours faithfully

A handwritten signature in cursive script, appearing to read "Stephen Bartle".

Mr Stephen Bartle

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

209D



① PC + US

② ~~③~~

32.  
28/1.

4, Queensdale Road, London W11 4QD

25<sup>th</sup> January, 2005

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

EX DIR	HDC	TP	DC	AD	CLU	AO AK
R.B. K.C.	27 JAN 2005			PLANNING		
N	C	S.	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

50

Dear Mr Taylor,

**Re: Proposed Development at 6, Queensdale Road, W11 4QD**  
**Ref:PS/DCN/PP/04/00941/DT**

Further to our conversation yesterday I am writing to put on record developments with regards to the above application. As you are aware the Parrys have taken this matter to the Planning Inspectorate.

The Parrys were seen on Sunday 23<sup>rd</sup> January 2005 standing on our metal staircase cutting away all the foliage from our side of the trellis in question. No permission was sought by the Parrys and we feel it is a cynical approach to try and further their case. I refer you to their enclosure of a photograph of the existing trellis taken on 25<sup>th</sup> April 2004 which shows foliage on their side. Our side was similarly covered and obviously there was further growth through last Summer.

We do not want to get into neighbourly disputes but we feel that you should be aware of the situation ahead of your visit with the Planning Inspectorate.

Yours sincerely,

*David Landauer*

David Landauer



# The Planning Inspectorate

DT.

3/23 Hawk Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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

Your Ref: PP/04/00941/CHSE  
Our Ref: APP/K5600/A/04/1157751  
Date: 7 February 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY S.& I. PARRY  
SITE AT 6 QUEENSDALE RD, LONDON, W11 4QD**

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

Mrs Isobel McCretton BA(Hons) MRTPI

The Inspector will visit the appeal site at 12:00 on 23 February 2005. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

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

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

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

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

40

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	- 9 FEB 2005				PLANNING	
K.C.						
N	C	S.W	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Yours faithfully

A handwritten signature in black ink, appearing to read "Stephen Bartle". The signature is written in a cursive style with a large initial 'S'.

Mr Stephen Bartle

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

209D



# The Planning Inspectorate

3/10 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

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

Direct Line 0117-3728745  
Switchboard 0117-3728000  
Fax No 0117-3728443  
GTN 1371-8745

DT

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

Your Ref: PP/04/00941/CHSE  
Our Ref: APP/K5600/A/04/1157751  
Date: 9 February 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY S.& I. PARRY**  
**SITE AT 6 QUEENSDALE RD, LONDON, W11 4QD**

I enclose, for your information, a copy of a letter dated 27 January and its attachment from Mr D Landauer plus a copy of my reply.

Yours faithfully

Ken Pitchers

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

37



# The Planning Inspectorate

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Bristol BS1 6PN

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

Direct Line 0117-3728745  
Switchboard 0117-3728000  
Fax No 0117-3728443  
GTN 1371-8745

Mr D Landauer  
4 Queensdale Rd  
London  
W11 4QD

Your Ref: .  
Our Ref: APP/K5600/A/04/1157751  
Date: 9 February 2005

Dear Sir

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY S.& I. PARRY  
SITE AT 6 QUEENSDALE RD, LONDON, W11 4QD**

Thank you for your letter of 27 January. I have interpreted your comments as asking the Inspector to look at the appeal site from your property.

I will make sure the Inspector sees your request. However, it is for the Inspector to decide whether to accept your invitation. If it is accepted, the local planning authority (LPA) and the appellants or their representative will also have to be present throughout the visit.

The purpose of the site visit is to allow the Inspector to see the site before deciding the appeal. The Inspector can be asked to note particular physical features of the site or of the proposed development itself, but will not be able to discuss the merits of the case with anyone during the visit.

The site visit has been arranged for Wednesday 23 February at Noon.

I have sent copies of your letter and this reply to the appellants and the LPA.

Yours faithfully

Ken Pitchers

*Copy*

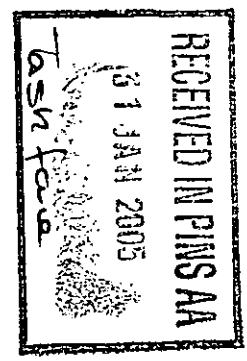
EX DIR	HDC	TP	CPC	AD	CLU	AO AK
R.B.	10 FEB 2005				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEEs

BFLJ✓

16/2

4 QUEENSDALE ROAD, LONDON, W11 4QD

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



27<sup>th</sup> January, 2005

REF: ODPM's reference: App/K5600/A/04/1157751

Dear Sirs,

**RE: Town & Country Planning Act 1990 - Notice of a Planning Appeal relating to  
6 Queensdale Road, London, Q11 4QD – appellant S. & I. Parry – Agent S. &  
I. Parry**

I contacted Mr Derek Taylor the Planning Case Officer at the Royal Borough of Kensington and Chelsea today with regard to the above application. He suggested that I wrote to you to ask if it would be possible to have advance warning of your site visit as I feel it would be helpful under the circumstances for you to have access to my property as well as number 6.

Please could you contact me at 4 Queensdale Road, London W11 4QD or on my mobile 07740 644418 when you have a date arranged.

Mr Taylor also suggested that I send you a copy of a recent letter which I enclose.

I look forward to meeting you.

Yours faithfully,

*David Landauer*  
David Landauer

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

- Copy -

4, Queensdale Road, London W11 4QD

25<sup>th</sup> January, 2005

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

Dear Mr Taylor,

**Re: Proposed Development at 6, Queensdale Road, W11 4QD**  
**Ref:PS/DCN/PP/04/00941/DT**

Further to our conversation yesterday I am writing to put on record developments with regards to the above application. As you are aware the Parrys have taken this matter to the Planning Inspectorate.

The Parrys were seen on Sunday 23<sup>rd</sup> January 2005 standing on our metal staircase cutting away all the foliage from our side of the trellis in question. No permission was sought by the Parrys and we feel it is a cynical approach to try and further their case. I refer you to their enclosure of a photograph of the existing trellis taken on 25<sup>th</sup> April 2004 which shows foliage on their side. Our side was similarly covered and obviously there was further growth through last Summer.

We do not want to get into neighbourly disputes but we feel that you should be aware of the situation ahead of your visit with the Planning Inspectorate.

Yours sincerely,

David Landauer

*No photograph rec'd*

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



# The Planning Inspectorate

DT

3/10 Kite Wing  
Temple Quay House  
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<http://www.planning-inspectorate.gov.uk>

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


Your Ref: PP/04/00941/CHSE  
Our Ref: APP/K5600/A/04/1157751  
Date: 17 February 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY S.& I. PARRY  
SITE AT 6 QUEENSDALE RD, LONDON, W11 4QD**

I enclose, for your information only, a copy of the appellant's letter of 11 February.

Yours faithfully

  
Ken Pitchers

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

(31)



15/23/✓

Your ref APP/K5600/A/04/1157751

6 Queensdale Road  
London W11 4QD  
Feb 11th

Dear Mr Pitchers,

Thank you for your letter of Feb 9, with regards to the letter from our neighbour, David Landauer. My wife ( and only my wife, despite Mr Landauer's assertion) was indeed on Mr Landauer's side of the fence on Sunday Jan 23rd. She was cleaning his patio, after the completion of our building works. Following the serving of the correct notices, and informing the Landauer's builder, this is something we are entitled (and in fact obliged) to do: I am sorry if Mr Landauer feels this was done in a clandestine manner.

While my wife may have removed some dead limbs of our once-thriving, but now sadly dead, wisteria, I wonder what implement the unknown witness saw my wife cutting with? Her bucket, the mop.....or possibly the sponge?

Please do forward this to whoever might be interested, and I will send a copy to our neighbour.

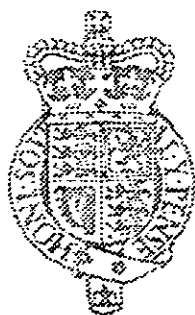
Yours sincerely

Simon Parry

Cc David Landauer  
Park Cottage  
Bepton  
West Sussex  
GU29 0JB

RECEIVED IN PINS AA  
15 FEB 2005

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



# Appeal Decision

Site visit made on 23 February 2005

by **Isobel McCretton BA(Hons) MRTPI**

an Inspector appointed by the First Secretary of State

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

Date

22 MAR 2005  
22 MAR 2005  
MAD 9000

**Appeal Ref: APP/K5600/A/04/1157751**  
**6 Queensdale Road, London W11 4QD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by S & I Parry against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref PP/04/00941/CHSE, dated 26 April 2004, was refused by a notice dated 23 June 2004.
- The development proposed is described as replacement of one section of trellis style fencing with slightly higher section of solid boarded panel.

## Decision

1. For the following reasons, I dismiss the appeal.

## Reasons

2. The appeal site is a mid-terrace house in the Norland Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. At the adjoining property (no.4), various works have taken place so that the garden is at a lower level than that at the appeal site, and an external staircase has been installed leading from the ground floor down into the garden. At present there is a trellis on top of the brick wall which runs along the common boundary, but the appellants consider that there is a potential for overlooking into their garden, particularly the more private patio area, by anyone standing on the landing area at the top of the staircase. Accordingly it is proposed to install a close-boarded section of fencing next to the house which, when measured at the appeal site, would be up to 2.85 metres above the level of the patio, dropping down to the present trellis height of 2.35 metres.
4. The typical boundary treatment in the vicinity is brick walls or brick walls topped by trellis. In my opinion the height and appearance of the proposed close boarded panel of fencing would be uncharacteristic of this part of the Conservation Area and oppressive when viewed from the adjoining house and garden. At the site visit I saw that for a woman of about average height it almost impossible to stand on the landing at the adjoining house and to look over the fence directly down into the private area of garden at the appeal site - views tend to be across the top of the fence towards the neighbouring property beyond. It seems to me that even taller people would have difficulty looking directly down into the garden.

5. It is possible to stand on the landing/stairs and see through the trellis to the adjoining garden, as it would be from the appeal site, but again the views tend to be more across the garden rather than down onto the patio. It seems to me that if the dense vegetation on the trellis, which appears to have been cut back, were allowed to re-grow both along and above the height of the trellis as further down the garden, there would be little, if any loss of privacy for the appellants and no consequent harm to the character and appearance of the Conservation Area. It would also form a more attractive outlook for the occupiers of the adjoining house.
6. With dense urban development, such as in this area, there is inevitable overlooking of adjoining gardens from neighbouring windows and in my opinion the limited overlooking from the adjoining staircase which may be possible does not justify development which I find would not preserve or enhance the appearance of the Conservation Area. Such development would conflict with Unitary Development Plan policies CD27 and CD36 which require, among other things that development is sensitive to and compatible with the height, and character of the surroundings, and does not result in a harmful increase in the sense of enclosure to nearby residential property.
7. I note that the appellants are willing to use trellis rather than the close boarded fencing proposed, but I consider that this would not sufficiently overcome the adverse increase in the sense of enclosure which would be experienced by the occupiers of no.4.
8. For these reasons and having regard to all other matters raised, I conclude that the appeal should not succeed.



INSPECTOR

**TO: SEE DISTRIBUTION LIST**

**FROM: EXECUTIVE DIRECTOR OF  
PLANNING & CONSERVATION**

MY REF(S): RAG/PP/04/00941'  
ODPM's Reference: App/K5600/ A/04/1157751  
ROOM NO: 324

YOUR REF:  
SEE DISTRIBUTION LIST  
EXTN: 2081

**DATE: 24/03/2005**

**TOWN AND COUNTRY PLANNING ACT, 1990**

**APPEAL ..... 6 Queensdale Road, London, W11 4QD**

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

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

**DISTRIBUTION LIST:**

COUNCILLOR TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR IAN DONALDSON  
COUNCILLOR RIMA HORTON  
JIM BABBINGTON, CORPORATE SERVICES  
COUNCILLOR DANIEL MOYLAN, CABINET MEMBER FOR PLANNING &  
TRANSPORTATION  
TOWN CLERK & CHIEF EXECUTIVE ..... A.KHAN RM: 253  
DIRECTOR OF LAW AND ADMINISTRATION...H. TITCOMBE RM: 230/2  
LAW & ADMINISTRATION (ENFORCEMENT).. T.ALI RM: 230/2  
LAND CHARGES..... M. IRELAND RM: 306  
COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29  
TRANSPORTATION.....R. CASE RM: 317  
EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION  
HEAD OF DEVELOPMENT CONTROL  
APPEALS OFFICER  
NORTH  
CENTRAL  
SOUTH-EAST  
SOUTH-WEST  
INFORMATION OFFICE  
FORWARD PLANNING..... G. FOSTER  
DESIGN. .... D. McDONALD  
STATUTORY REGISTER  
(FILE(S)  
SYSTEMS.....C. STAPLETON



# The Planning Inspectorate

3/19 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 0117-3728443  
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: PP/04/00941/CHSE  
Our Ref: APP/K5600/A/04/1157751  
Date: 22 March 2005

---

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY S.& I. PARRY**  
**SITE AT 6 QUEENS DALE RD, LONDON, W11 4QD**

I enclose a copy of our Inspector's decision on the above appeal.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN

Phone No. 0117 372 8252

Fax No. 0117 372 8139

E-mail: [Complaints@pins.gsi.gov.uk](mailto:Complaints@pins.gsi.gov.uk)

Yours faithfully

Mrs Annette Dixon

COVERDL1

EX	HDC	TP	SAC	AD	CLU	AO
DIR						AK
R.B.		K.C.		24 MAR 2005		PLAN AG
N	C	SW	SE	APP	REC	
HBS				FPLN	DES	FEES



# Appeal Decision

Site visit made on 23 February 2005

by **Isobel McCretton** BA(Hons) MRTPI

an Inspector appointed by the First Secretary of State

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

Date **22 MAR 2005**  
**22 MAR 2005**

**Appeal Ref: APP/K5600/A/04/1157751**  
**6 Queensdale Road, London W11 4QD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by S & I Parry against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application Ref PP/04/00941/CHSE, dated 26 April 2004, was refused by a notice dated 23 June 2004.
- The development proposed is described as replacement of one section of trellis style fencing with slightly higher section of solid boarded panel.

## Decision

1. For the following reasons, I dismiss the appeal.

## Reasons

2. The appeal site is a mid-terrace house in the Norland Conservation Area and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
3. At the adjoining property (no.4), various works have taken place so that the garden is at a lower level than that at the appeal site, and an external staircase has been installed leading from the ground floor down into the garden. At present there is a trellis on top of the brick wall which runs along the common boundary, but the appellants consider that there is a potential for overlooking into their garden, particularly the more private patio area, by anyone standing on the landing area at the top of the staircase. Accordingly it is proposed to install a close-boarded section of fencing next to the house which, when measured at the appeal site, would be up to 2.85 metres above the level of the patio, dropping down to the present trellis height of 2.35 metres.
4. The typical boundary treatment in the vicinity is brick walls or brick walls topped by trellis. In my opinion the height and appearance of the proposed close boarded panel of fencing would be uncharacteristic of this part of the Conservation Area and oppressive when viewed from the adjoining house and garden. At the site visit I saw that for a woman of about average height it almost impossible to stand on the landing at the adjoining house and to look over the fence directly down into the private area of garden at the appeal site - views tend to be across the top of the fence towards the neighbouring property beyond. It seems to me that even taller people would have difficulty looking directly down into the garden.

5. It is possible to stand on the landing/stairs and see through the trellis to the adjoining garden, as it would be from the appeal site, but again the views tend to be more across the garden rather than down onto the patio. It seems to me that if the dense vegetation on the trellis, which appears to have been cut back, were allowed to re-grow both along and above the height of the trellis as further down the garden, there would be little, if any loss of privacy for the appellants and no consequent harm to the character and appearance of the Conservation Area. It would also form a more attractive outlook for the occupiers of the adjoining house.
6. With dense urban development, such as in this area, there is inevitable overlooking of adjoining gardens from neighbouring windows and in my opinion the limited overlooking from the adjoining staircase which may be possible does not justify development which I find would not preserve or enhance the appearance of the Conservation Area. Such development would conflict with Unitary Development Plan policies CD27 and CD36 which require, among other things that development is sensitive to and compatible with the height, and character of the surroundings, and does not result in a harmful increase in the sense of enclosure to nearby residential property.
7. I note that the appellants are willing to use trellis rather than the close boarded fencing proposed, but I consider that this would not sufficiently overcome the adverse increase in the sense of enclosure which would be experienced by the occupiers of no.4.
8. For these reasons and having regard to all other matters raised, I conclude that the appeal should not succeed.



INSPECTOR

# APPEAL

TO: Derek Taylor  
DATE RECEIVED:

FROM: Kavita Sedov  
EXTN: 2081

**APPEAL**  
**CASE OFFICER:** Mr. D. Taylor

**APPEAL**  
**ADMIN OFFICER:** JR

**OUR REF:**  
PP/04/00941

**ODPM REF:**  
App/K5600/ A/04/1157751

**ADDRESS: 6 Queensdale Road, London, W11 4QD**

Description: Replacement of one section of trellis style fencing with raised section of solid boarded panel along boundary with No. 4 Queensdale Road to rear of property.

## REASON FOR APPEAL:

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN  
REPRESENTATIONS

INFORMAL  
HEARING

PUBLIC  
INQUIRY

START DATE OF APPEAL 04-Aug-04

3rd PARTY LETTERS DUE: 18-Aug-04

SENT: 17/8/04.

QUESTIONNAIRE DUE: 18-Aug-04

SENT: 17-Aug-04

WRITTEN REPS STAT DUE: 15-Sept-04

SENT: 13/9/04.

~~INFORMAL HEARING STAT DUE: \_\_\_\_\_~~

~~SENT:~~

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

~~SENT:~~

~~PROOF EXCHANGE DUE: \_\_\_\_\_~~

~~SENT:~~

FINAL COMMENTS DUE 06-Oct-04

SENT:



PLANNING SERVICES APPLICATION

CONSULTATION SHEET

APPLICANT:

S. & I. Parry,  
6 Queensdale Road,  
London,  
W11 4QD

APPLICATION NO: PP/04/00941

CASE OFFICER: Mr. D. Taylor

APPLICATION DATED: 26/04/2004

DATE ACKNOWLEDGED: 29 April 2004

APPLICATION COMPLETE: 28/04/2004

DATE TO BE DECIDED BY: 23/06/2004

SITE: 6 Queensdale Road, London, W11 4QD

PROPOSAL: Replacement of one section of trellis style fencing with slightly higher section of solid boarded panel along boundary with No. 4 Queensdale Road to rear of building.

ADDRESSES TO BE CONSULTED

1. Mr. H. Bevan, Chairman, The Royal Crescent Association, 23 Royal Crescent, W11 4SN

2. *JH*  
3. 2-10 (evens) Queensdale Road (except No. 6)

4. *JH*  
5. 35a + 35b + 37 Princesdale Road

6. *4/5*  
7. 39 Princes Place

8.

9.

10.

11.

12.

13.

14.

15.

CONSULT STATUTORILY

English Heritage Listed Bdgs - CATEGORY: ...

English Heritage Setting of Bdgs Grade I or II ...

English Heritage Demolition in Cons. Area ...

Demolition Bodies ...

DoT Trunk Road - Increased traffic ...

DoT Westway etc., ...

Neighbouring Local Authority ...

Strategic view authorities ...

Kensington Palace ...

Civil Aviation Authority (over 300') ...

Theatres Trust ...

National Rivers Authority ...

Thames Water ...

Crossrail ...

LRT/Chelsea-Hackney Line/Cross Rail Line 2 ...

Victorian Society ...

DTLR Dept. Transport Loc.Gov.& Regions ...

ADVERTISE

Effect on CA

Setting of Listed Building

Works to Listed Building

Departure from UDP

Demolition in CA

"Major Development"

Environmental Assessment

No Site Notice Required

Notice Required other reason

Police

L.P.A.C

British Waterways

Environmental Health

GLA - CATEGORY:

Govt. Office for London

Twentieth Century Society

*JH*  
*4/5*  
✓

*JH*

*4/5*

*X*

*(13)*

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

Residential Building		35	Princedale Road	W11 4NP
Residential Building		35a	Princedale Road	W11 4NP
Residential Building		35b	Princedale Road	W11 4NP
Residential Building		37	Princedale Road	W11 4NP
Residential Building		39	Princes Place	W11 4QA
Building Shell		2	Queensdale Road	W11 4QD
Residential Unit		2	Queensdale Road	W11 4QD
Residential Unit	Flat A: Basement Flat	2	Queensdale Road	W11 4QD
Residential Building		4	Queensdale Road	W11 4QD
Residential Building		6	Queensdale Road	W11 4QD
Building Shell		8	Queensdale Road	W11 4QD
Residential Unit	1st/2nd Floor Flat	8	Queensdale Road	W11 4QD
Residential Unit	Basement/ground Floor Flat	8	Queensdale Road	W11 4QD
Residential Building		10	Queensdale Road	W11 4QD

Total Number of Buildings and Units Found 14