

D'ARCY ASSOCIATES
9 LAMINGTON STREET
LONDON
W6 OHU

Re. :22 Scarsdale Villas W8

Ref. :2323PP02.ltr

Date :8th July 2004

TEL :020-8741 1193
FAX :020-8563 7784

RBK&C
Planning & Conservation
The Town Hall
Hornton St
London W8 7NX

Attention : Planning Department

Dear Sirs,

We wish to apply for Full Planning Permission on behalf of Mr & Mrs Marrero for the following work.

"Rear Extension at Basement, Ground Floor, & 1st Floor half landing."

Please find enclosed:

- 4 Copies of the Planning Application Form TP1-Part 1.
- 4 Copies of the Certificate of Ownership 'A', signed and dated.
- A Planning Fee is not required because the previous application ref. DPS/DCC/PP/04/00314 was withdrawn.
- 4 Copies of the Following Drawings:

SURVEY DRAWINGS

2323/1 -Ground & Basement Plans
-Site Location Plan

2323/2 -First & Second Floor Plans

2323/3 -Rear and Side Elevation

2323/4 -Section

2323/9 -Photographs of the Existing

PROPOSAL DRAWINGS

2323/5 rev.B -Ground & Basement Plans
-Site Location Plan

2323/6 rev. B -First & Second Floor Plans

2323/7 rev. B -Rear and Side Elevation

2323/8 rev. B -Sections

Please contact me if you require further information and when you wish to visit the house.

Yours



Damien D'Arcy

Encl.

Jeff Full Gm
8/7/04

P. M. DAMIEN D'ARCY B. ARCH. R. I. B. A.

VAT REGISTRATION NUMBER 726 2662 32

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

FILE COPY

Switchboard: 020-7937-5464

FILE COPY

Direct Line: 020-7361-3190

Extension: 3190

Facsimilie:

020-7361-3463

Date: 22 November 2004

My Ref: DPS/DCC/PP/04/01549

Please ask for: Ms.E. Richards

ODPM's Reference: App/K5600/A/04/1167494

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 22 Scarsdale Villas, London, W8 6PR

Appellant: Mr. & Mrs. Marrero, Agent: D'Arcy Associates,

A Planning Appeal has been made by Mr. & Mrs. Marrero, to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for : Erection of rear extension at basement, ground floor and 1st floor half landing.. 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 24/12/2004 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 24/12/2004). 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 24/12/2004 (**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

NOTICE OF A PLANNING APPEAL

Reasons for Refusal

1. The proposal to construct a full-width extension at lower and upper ground floor levels as well as a half-width extension at first floor level on a largely unaltered property within a conservation area is considered excessive in terms of bulk and scale and will lead to the further erosion of the character and appearance of the property. The proposal is also considered to result in considerable harm to the character and appearance of the surrounding conservation area, which it fails to either preserve or enhance. The proposal is, therefore, considered not to comply with the Council's Unitary Development Plan policies, in particular, Policies CD27, CD47, CD48, CD57, CD61 and CD62.

2. The proposed extensions at No. 22, if constructed in isolation of the same scheme proposed at the adjoining property of No. 24, would result in a sense of enclosure and loss of light to that property in particular. The proposal is, therefore, considered not to comply with the Council's Unitary Development Plan policies, in particular, Policies CD33 and CD36.

Property

22 Scarsdale Villas, London, W8 6PR

Proposal

Erection of rear extension at basement, ground floor and 1st floor half landing.

Plans and drawings are/are not available for inspection.

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

12. The detailed grounds of appeal are now set out:

Policies CD47 and CD48 - Extensions and Conservatories

13. Policy CD47 resists an extension if it:

- results in the rear building line of adjacent extensions being exceeded
- reduces significantly the garden amenity area
- rises above the general height of neighbouring properties
- is not visually subordinate to the parent building
- results in a cliff-like effect along any boundary
- spoils or disrupts the even rhythm of rear additions; full width extensions will not usually be allowed
- reduces daylight and sunlight to neighbouring dwellings
- leads to significant overlooking
- has details and materials which are not in character with the building
- breaches the front building line
- blocks or diminishes an important or historic gap

14. Through careful design, the appeal proposal results in none of these problems. It should be assumed therefore that permission should have been granted at the application stage.

15. Policy CD48 resists conservatories if they:

- are located at roof level
- are significantly above garden level
- cover the whole width of the property
- are located on a corner site

16. Again, the appeal proposal does not fall into any of these categories and should be said to comply with Policy CD48.

Policies CD27, CD57 and CD61 - Preservation and Enhancement

17. The appeal site can only be seen from the properties and gardens of those aligning Scarsdale Villas and certain facing properties. Any impact on the Conservation Area is therefore restricted to private views rather than from public roads or footpaths. The key question is whether the townscape would be unharmed and thus preserved.

18. Photographs of the surrounding garden areas were attached to the planning application to illustrate what has taken place in the immediate vicinity of the appeal site. There are examples of flat roofs, conservatories, differing window styles, high level extensions and building depths. These have all been given due regard in the proposed design which is now described below. In this way, it is considered to both preserve and enhance the character and appearance of the Conservation Area.

Policies CD33 and CD36 - Residential Amenity

19. The appeal proposal is to be undertaken jointly with a mirrored proposal at No. 22 Scarsdale Villas. This would lead to a joined central extension along the party wall of these semi-detached villas.

20. The appellants would accept a planning condition or a Section 106 Agreement for both schemes to be undertaken jointly – there would of course in any event be significant cost savings to this approach.

FURTHER DETAILS ARE AVAILABLE:
LBKC, TOWN HALL, HORNATON STREET, LONDON, W8 7NX

Famous Residents

Leigh Hunt (James Henry)	32 Edwardes Square
Chesterton (Gilbert Keith)	1 Edwardes Square
Chesterton (Gilbert Keith)	11 Warwick Gardens
Du Maurier (George)	12 Edwardes Square
Lowes (Dickinson Goldsworthy)	11 Edwardes Square
Flanders (Michael)	1A Scarsdale Villas

1840-51	Essayist and Reformer
1901	Poet and Novelist
1867-70	Poet and Novelist
	Artist and Novelist
	Author and Humanist
	Musician and Humourist

The following buildings are considered to be of equal merit to those currently included in the statutory list:

Abingdon Road	9, 32-38 even 56-70 even
Abingdon Villas	4-32 even 45-63 odd 46-64 even
Allen Street	1-12 Inkerman Terrace, 1-10 Alma Terrace
Edwardes Square	23A Scarsdale Arms Public House
Marloes Road	37-67 odd
Pembroke Cottages	1, 2
Pembroke Gardens	35
Pembroke Square	21, 22, 23
Pembroke Villas	1-5 consecutive
Scarsdale Villas	1-27 odd 2-36 even
Warwick Gardens	1-9 odd 31-41 odd

Pembroke Road	2-8 even
Pembroke Villas	6, 7
Scarsdale Villas	38-72 even, 29-57 odd
Stratford Road	11, 13A, 15-23, 25-37, 54-60
Warwick Gardens	11

Residents suggested the following buildings for consideration for listing by the Secretary of State for the Environment.

South Edwardes Square	59, 23A, Scarsdale Public House
Earls Court Road	The Princess Victoria Public House
Pembroke Gardens	32
Pembroke Studios	A11

The Council have been informed by the Department of the Environment that 59 South Edwardes Square and Pembroke Studios are not considered to be of sufficient interest to be listed.

Other buildings of local interest

Abingdon Road	31-39, 43-39, 57-67, 40-52, 54, 69-87, 89-93, 72-94, 103-103-111
Abingdon Villas	65-85 odd, 66-82 even
Allen Street	1-12 Phillimore Terrace, 3-6 Shaftesbury Villas
Earls Court Road	98-106 even, 47-95 odd

There is some street furniture of special interest in the area.

Lamps in Adam and Eve Mews, Edwardes Square and Earls Terrace

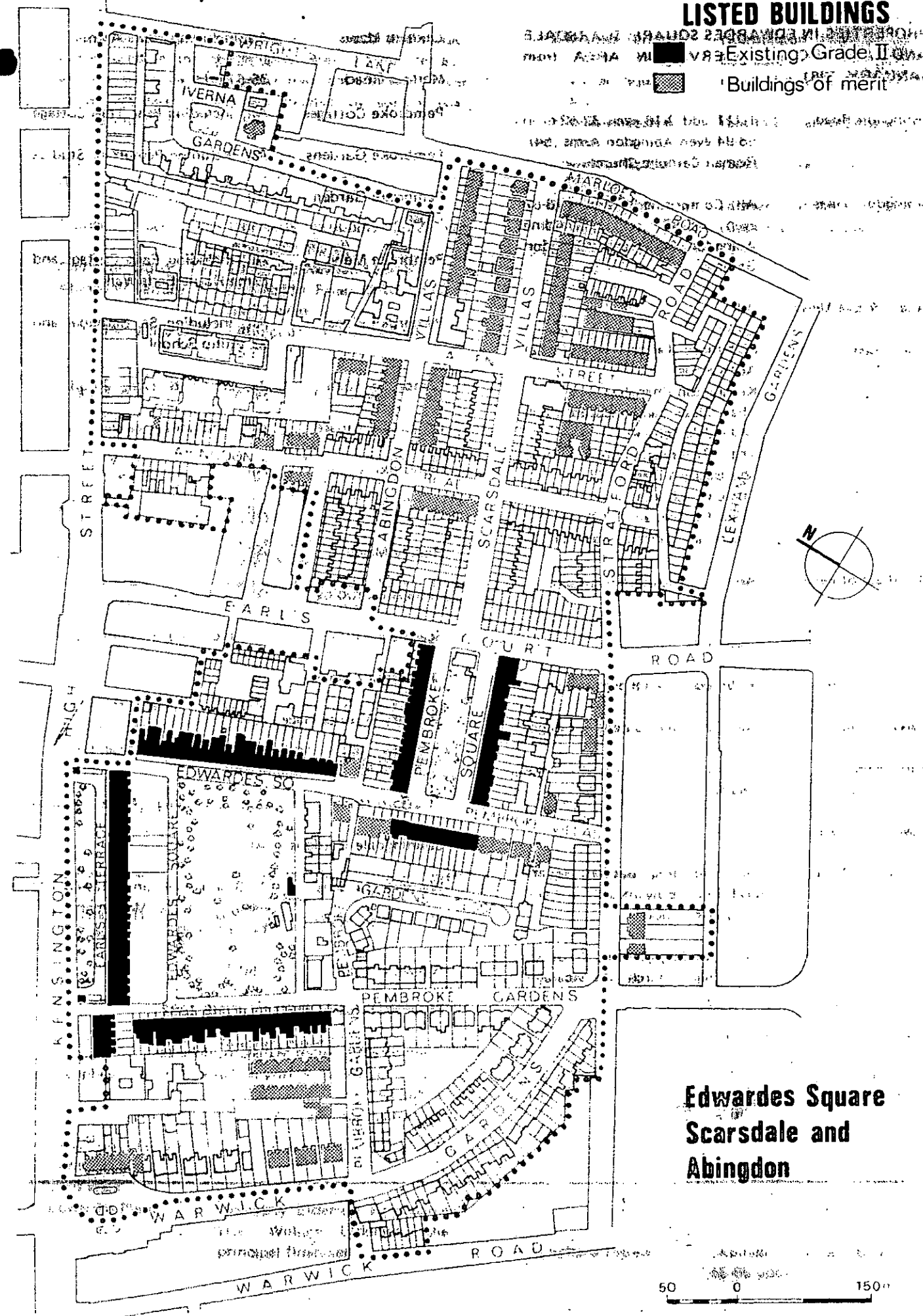
Bollards in Warwick Gardens opposite Pembroke Gardens

Railings in the central space of Edwardes Square

Letterbox outside No. 27 Pembroke Gardens

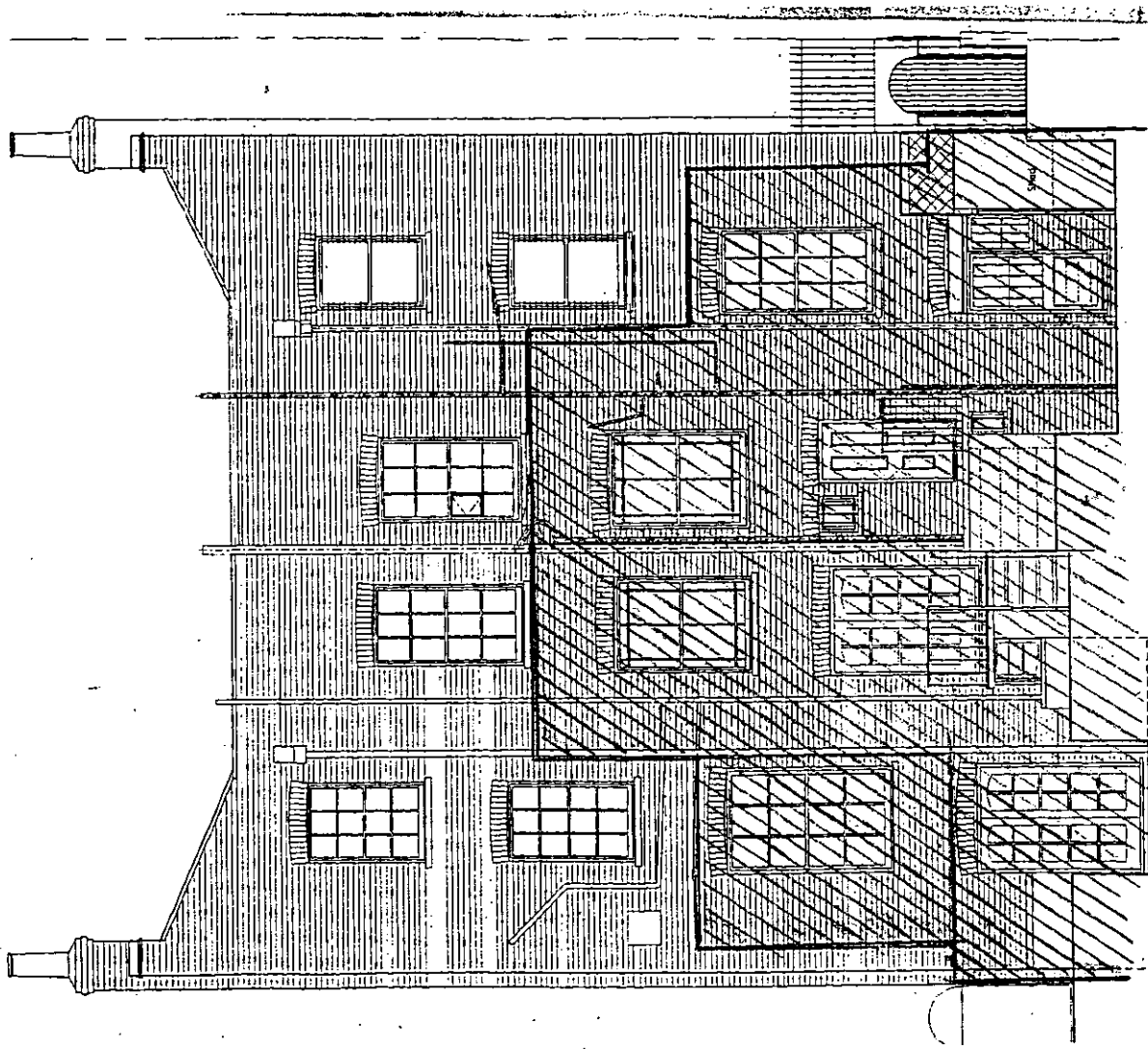
LISTED BUILDINGS

Existing Grade II on
Buildings of merit



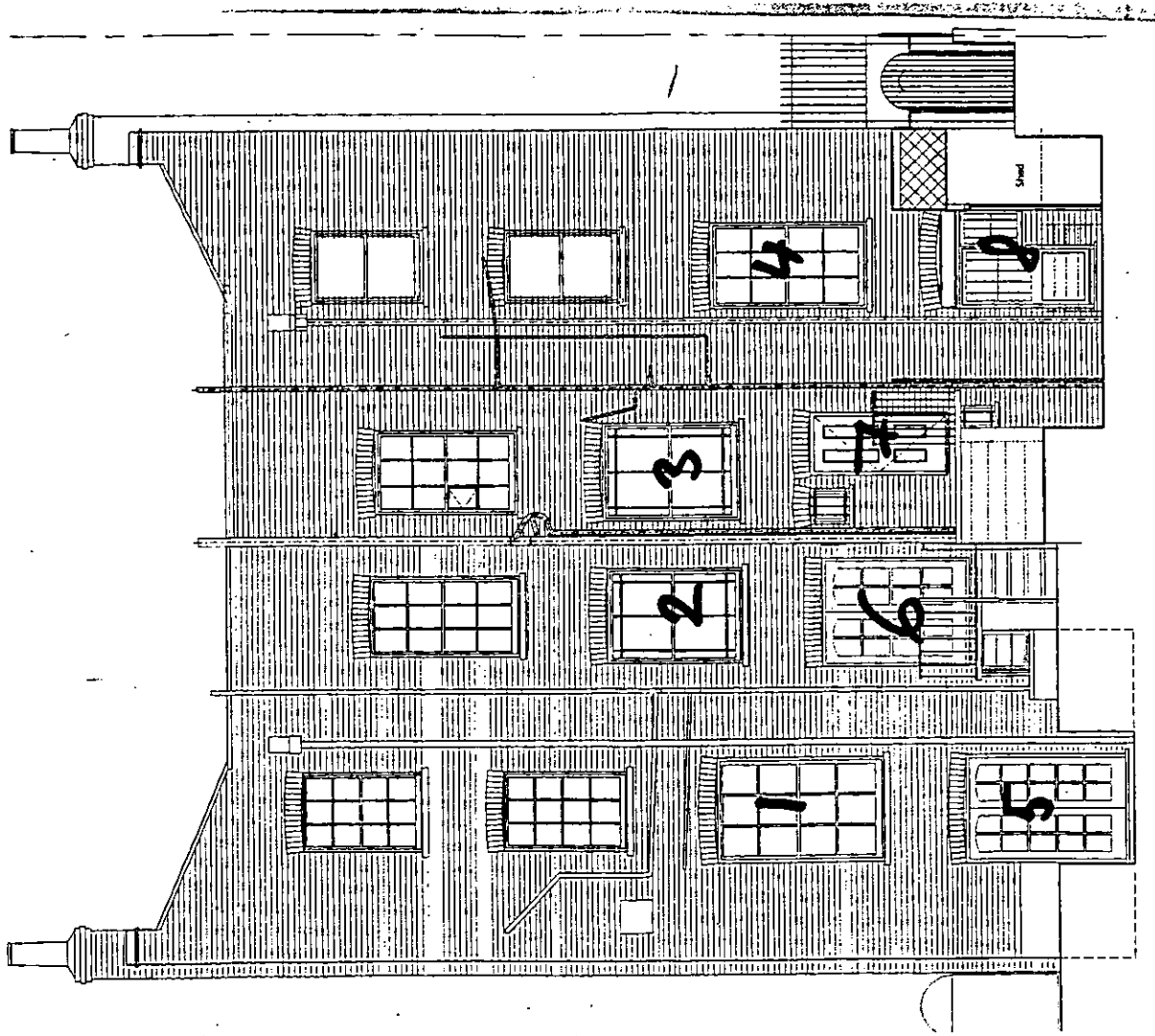
Edwardes Square
Scarsdale and
Abingdon

22/24 Scarisdale Villas



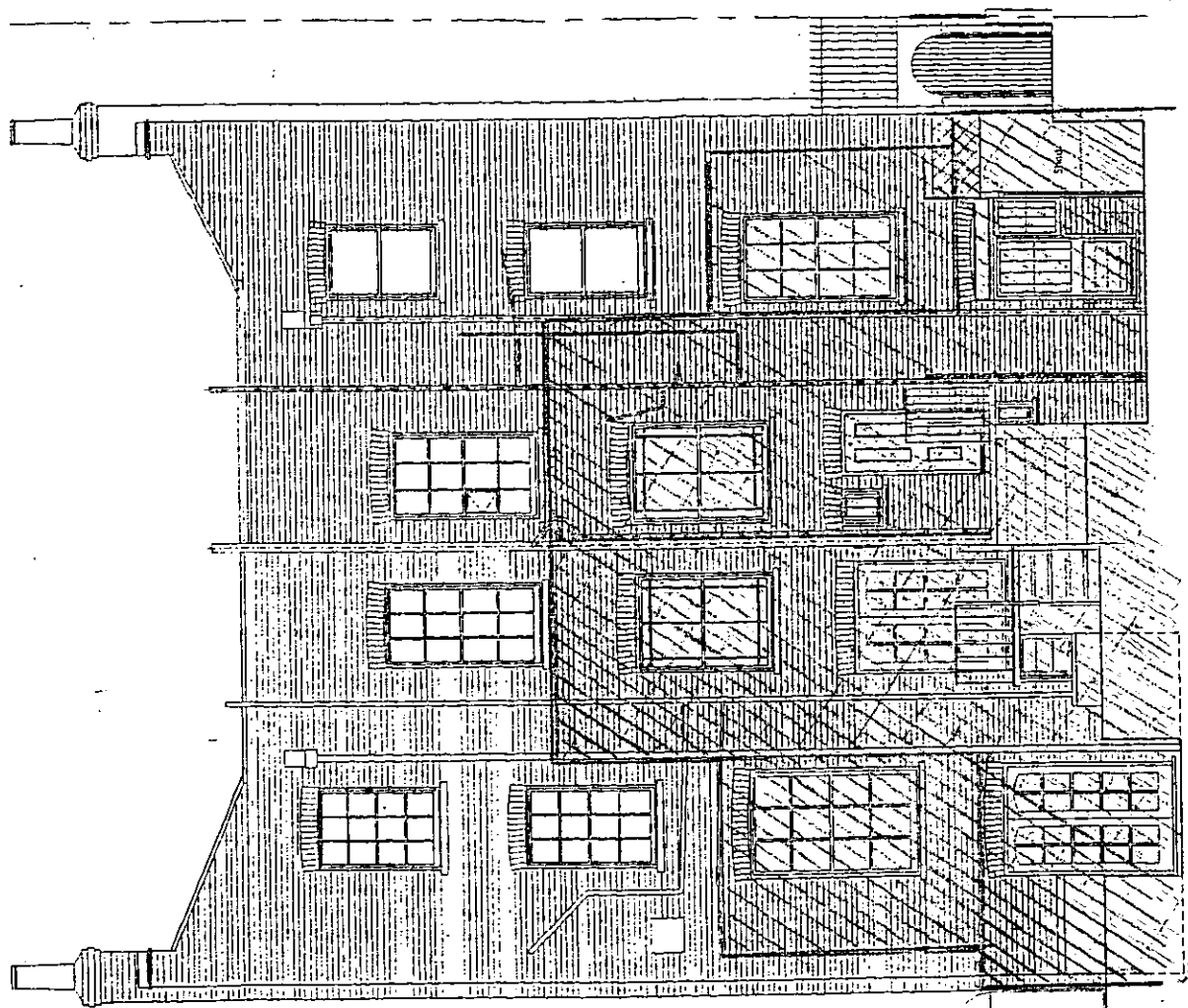
EXISTING REAR ELEVATION with super imposed
total extension proposed

22/24 Sandale Villas



EXISTING REAR ELEVATION
Original window/door openings in the main rear wall would
be internalised. Only 6 original openings above would remain.

22/24 Scarsdale Villas



The volume of extension which the
Council officers indicated as acceptable.

SUGGESTED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
2. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the Executive Director, Planning and Conservation.
3. All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture and profile and, in the case of brickwork, facebond and pointing unless otherwise approved by the Executive Director, Planning and Conservation in writing.
4. All new windows and doors shall be timber framed, single glazed and so maintained.
5. The railings hereby approved shall be black painted and so maintained.
6. The flat roof of the first floor level extension hereby approved shall not be used as a roof terrace at any time without the prior approval of the local planning authority.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

D'Arcy Associates,
9 Lamington Street,
London,
W6 0HU

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Extension: 3190
Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 24 November 2004

My Ref: DPS/DCC/PP/04/01549/ER & PP/04/01550
ODPM's Reference: App/K5600/A/04/1167494 & A/04/1166835
Please ask for: Ms.E. Richards

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990
Appeal relating to: 22 & 24 Scarsdale Villas, London, W8 6PR

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

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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

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THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Date: 24 November 2004

My Ref: DPS/DCC/PP/04/01549/ER & PP/04/01550
ODPM's Reference: App/K5600/A/04/1167494 & A/04/1166835
Please ask for: Rebecca Townley

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 22 & 24 Scarsdale Villas, London, W8 6PR

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

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Email: elen.richards@rbkc.gov.uk
Web: www.rbkc.gov.uk

20th December 2004

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DCC/PP/04/ Your reference: APP/K5600/A/04/ Please ask for: Elen Richards
1549 & 1166835 &
PP/04/1550/ER 1167494

Dear Sirs,

Town and Country Planning Act 1990

Re: Planning Appeal relating to 22 and 24 Scarsdale Villas, London, W8

I refer to the appeals made by Mr & Mrs Marrero and Mr & Mrs Lajam under Section 78 of the Town and Country Planning Act 1990 against the Council's decision to refuse planning permission for the erection of rear extensions at basement, ground and first floor levels at nos. 22 and 24 Scarsdale Villas respectively.

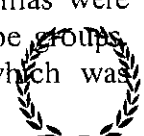
Planning applications were submitted by each of the appellants for determination by this authority for the proposal outlined above. Both applications were refused under this Council's Delegated Decision procedure on 3rd September 2004 (**Enclosure 1**). The content of both reports (**Enclosure 2**) together with these additional comments and enclosures form the Council's Statement of Case relating to both appeals.

The Character of the Appeal Premises and Surrounding Area

Nos. 22 and 24, Scarsdale Villas form a pair of semi-detached residential villas located in the central section of similar villas on north side of the road. This group of nine semi-detached pairs of villas is located between the north to south running Marloes Road and Allen Street. Both properties comprise of basement, ground and three upper storeys and represent possibly the best preserved semi-detached pair in this group.

The appeal properties are in use as single family dwelling houses. Neither property is listed but both lie within the Edwards Square, Scarsdale and Abingdon Conservation Area.

The 'Edwardes Square and Scarsdale Conservation Area' was designated in 1970. This original area was based around the listed buildings in Edwardes Square, Earls Terrace and Pembroke Square and the then current London County Council designation of amenity building groups including those in Abingdon and Scarsdale Villas and Abingdon and Stratford Roads. The conservation area was considerably extended in 1974 and again in 1981 and 1982. As can be seen Scarsdale Villas were included in the original 1970 designation which covered the most important core townscape groups. The Edwardes Square Scarsdale and Abingdon Conservation Area Policy Statement which was



INVESTOR IN PEOPLE

published in the early 1980's identifies Scarsdale Villas among building groups of merit (see extract from this statement in **Enclosure 3**)

This conservation area includes building groups of special architectural and historic character spanning late Georgian, Victorian and Edwardian developments. The area of the present day Scarsdale Villas, Abingdon Villas, Abingdon Road, Allen Street and the north side of Stratford Road was developed in the decade between 1852-1862. These early Victorian terraces and villa pairs display fine classical proportion and are mostly characterised by ornate stucco faced front facades with more mellow appearance of the London Stock brick covered rear and side elevations.

The conservation area policy statement describes this group of buildings as follows:

'True 'Villa' style houses are to be found on the north side, east end of Scarsdale Villas in a group of nine paired houses. This is a fascinating and diverse group of houses all having some feature of glazing, stucco detail or cast ironwork to catch the eye, capping this singularly attractive street.'

Local Policies and supplementary guidance

The Council's Unitary Development Plan (UDP) was formally adopted in May 2002 and is the statutory development plan for the Borough, to which Section 54A of the Town and Country Planning Act 1990 applies.

Paragraph 4.1 of both the Council's reports refers to the relevant policies contained within the 'Conservation and Development' chapter of the UDP, which have been sent to you under separate cover.

The Edwardes Square Scarsdale and Abingdon Conservation Area Policy Statement mentioned above provides the supplementary guidance. Whilst the historical and architectural descriptions of the area in this statement are still clearly valid, its early 1980's development control advice has been partly superseded by the more detailed recent advice in the UDP.

Legislation and Central Government Policy

The Royal Borough's Unitary Development Plan and the Mayor's Spatial Development Strategy (London Plan) are the most relevant documents in the consideration of planning applications as they form part of the Royal Borough's Development Plans for purposes of S54A of the Town and Country Planning Act 1990. The status of the development plan is confirmed by s.38 (6) of the Planning and Compulsory Purchase 2004 Act which states:

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

Planning Policy Guidance: Planning and the Historic Environment (PPG15) provides guidance to local planning authorities on relevant issues to be taken into consideration when determining applications in conservation areas and is, therefore, relevant to these appeals. On the use of planning powers in conservation areas, paragraph 4.14 states 'that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.'

Reasons for Refusal and Amplification of the Council's Case

The Council has justified the refusal of planning permission for both applications on two counts. These are based mainly upon the impact both schemes would have upon the character and appearance of the pair of buildings itself and consequently the special character and appearance of the surrounding

conservation area as well as the implications either scheme would have upon the existing amenities of the surrounding properties.

The primary reason for refusals relates to the impact the proposed development would have upon the character and appearance of this pair of semi-detached villas and of the surrounding conservation area by virtue of the overall bulk and scale of the proposed extensions. The construction of full-width extensions are generally not favoured by the local authority in its historic conservation area townscapes, as they can often appear over-dominant additions in relation to the scale of the parent building. Full-width extensions are also more likely to affect the existing amenities of neighbouring properties by either affecting light levels or increasing the sense of enclosure at site boundaries. Notwithstanding the above, full-width extensions at basement level only are sometimes considered acceptable as they are less likely to result in such harm to either the scale or appearance of the building or the amenities of neighbouring properties.

The appeal schemes propose full width extensions at both the lower and upper ground floor levels as well as the half width extensions at the first floor level. This large resulting extension across the so far unaltered original rear elevation of this pair of villas is not acceptable in principle. It is considered that such substantial addition would harm the surviving historic character and appearance of the building pair itself and of the surrounding conservation area as well as the existing amenities of the neighbouring properties.

Unfortunately, a number of pairs of villas along the north side of Scarsdale Villas have been altered considerably in the past (but mostly prior to the conservation area designation), often without sensitivity to the original architectural character or scale of the buildings. In some cases, over half of the original main rear façades have been covered by bulky extensions of poor design which has led to the erosion of the appearance of some of the villa properties over time. In comparison, Nos. 22 and 24 represent possibly the best preserved pair of semi-detached villas retaining its original scale and appearance at rear. Whilst it has been acknowledged that the character of some of the properties along this side of Scarsdale Villas has changed over time due to the construction of bulky and insensitively detailed additions, the subsequent conservation area designation places duty on the local planning authority to preserve the still surviving original character and appearance of the area.

Whilst the construction of half-width extensions at basement, ground and first floor level may be acceptable at the appeal premises, the Council considers that full-width extensions which would extend across both basement and ground floor levels are not welcome. The proposed development would result in over half of the original main rear façade of each building being covered by extensions, internalising eight original window and door openings with only six original window openings remaining in view when considered as a pair. This is demonstrated in the elevational sketch drawings contained in **Enclosure 4**.

The Council maintains, therefore, that extending both appeal properties as proposed would result in the over-development of the buildings, whereby the resulting volume of additions would be so great as to no longer appear subordinate to the parent buildings, to the detriment of the surviving original character and appearance of this semi-detached pair of villas. It is also maintained that the proposed development would, as a consequence, neither preserve nor enhance the character and appearance of the surrounding conservation area.

The second reason for refusal relates to the effect the proposed development would have upon the existing amenities of neighbouring properties. Although both planning applications were submitted to and considered by this authority at the same time on the premise that both schemes would be implemented at the same time, a unilateral agreement to ensure that this would occur was not submitted by the applicants at that time. The construction of the extensions as proposed at one property and not the other would result in a cliff-like effect at the boundary of both properties that would lead to an increased sense of enclosure at the property remaining free of extensions. In addition, the

implementation of the proposed scheme at only one of the properties would harm the current light levels received at the other. In the absence of a legal agreement ensuring that both properties would be extended at the same time, the Council considers that the impact of the proposed development if undertaken at only one of the properties, would be detrimental to the existing amenities of the adjoining property.

In light of the above, the Council maintains, therefore, that it was justified in its decision to refuse planning permissions for the proposed development, which is considered contrary to the Council's Unitary Development Plan Policies, in particular CD 27, CD33, CD36, CD47, CD48, CD57, CD61 and CD62.

Observations on the Appellant's Grounds of Appeal

The Appellants have set out their grounds of appeal against the Council's decision to refuse planning permission for the proposed scheme at both properties as follows:

- (i) Policies CD47 and CD48 are principal considerations and the proposal complies with the Council's UDP criteria for determining extensions and conservatories. The Council disagrees with this conclusion and it felt that criteria CD47 (d), (e) and (g) and CD48 (b) are breached.
- (ii) The proposal relates to the rear of the premises, which is relevant when considering the potential impact on the Conservation Area. In any event, the proposal through its design would comply with Policies CD27, CD57 and CD61. The Council disagrees with these conclusions as explained in the preceding sections of this statement.
- (iii) The joint proposal with no.22 provides a unique situation to preserve and enhance these two buildings, something which has been missed with other surrounding buildings. In so doing, compliance can be demonstrated with Policies CD33 and CD36. The Council disagrees with this assessment.
- (iv) The proposed design is of significant quality thus in accordance with Policies CD27 and CD62. The Council disagrees with this conclusion, as it is felt that the combined extension would not be compatible with the surviving original scale of the pair of buildings.

It is considered that the main issues raised under each ground of appeal have been fully addressed in both the delegated reports (dated 3rd September 2004) and the preceding sections of this statement.

However, the Council wishes to comment on the statement made by the Appellants in Paragraph 3 of their supporting document regarding extensive discussions with this local authority whereby the appellants admit that *"no agreement could be reached"* with regard to the acceptable scale of the rear extensions and that *"revisions were submitted to the Council in the hope of achieving consent"*. This is commented upon further under Paragraph 11 (Planning History) of the Appellants supporting document where reference is made to 'Scheme 4' – which was the final scheme submitted as part of the planning application forming the subject of these appeals – whereby *"it was considered that this took account of the concerns of the Council"*.

A planning application was first submitted to this authority in August 2003 by the Appellant at no.24 seeking permission for the erection of a full width extension at basement and ground floor levels together with half width extensions at rear first and second floor levels. That scheme was significantly revised following the advice given by the Council's planning officers at that time and a full-width extension – half of which consisted of a lightweight conservatory extension – was considered acceptable only at basement level with half-width extensions proposed at ground and first floor levels


above. Despite the revision to the scheme and the likelihood of gaining approval from this authority, the applicant withdrew the application in September 2003. Regrettably, a new planning application (ref. PP/04/0250) was submitted to this authority in January 2004 for a similar scheme to that which was originally submitted in 2003. The applicant withdrew that application in March 2004 following discussions with the Council's planning officers who again advised that the proposal was unacceptable in principle due to its scale and impact upon the building pair itself and the conservation area.

In light of the previous planning history relating to these premises and of the repeated advice given by the Council officers to date, the Council considers that the aforementioned comments by the Appellant are somewhat misleading. The Council is satisfied that it has provided the Appellant with very clear and consistent advice from the outset as to the maximum amount of extensions that would be considered acceptable at these premises. Whilst the Council regrets that the advice given does not accord with the Appellant's desired scale of the extended ground floor level, it does not represent a material planning consideration in this case.

Conclusion

It is the Council's opinion that there is no justification in this case for making a decision which would go against the policies of the adopted Unitary Development Plan as outlined above. The proposed schemes are both considered unacceptable for the reasons outlined in the Council's delegated reports as expanded on by reasoning in this letter. It is respectfully requested that the appeals are dismissed.

Yours sincerely,


Paul Kelsey,
Area Planning Officer,
For the Executive Director, Planning and Conservation.

ENCLOSURES

1. Decision Notices for Refusal of Permission, dated 3rd September 2004, relating to planning applications PP/04/1549 and PP/04/1550.
2. Delegated Reports of the Executive Director, Planning and Conservation, dated 3rd September 2004, relating to planning applications.
3. Extract from Edwardes Square, Scarsdale and Abingdon Conservation Area Proposal Statement.
4. Sketch drawings of rear elevations at nos. 22 and 24 Scarsdale Villas indicating scale of extensions.
5. Suggested Conditions should the Inspector be minded to grant the appeal.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

D'Arcy Associates,
9 Lamington Street,
London,
W6 0HU

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Direct Line: 020-7361-3190
Extension: 3190
Facsimile: 020-7361-3463

3 SEP 2004

My Ref: PP/04/01549/CHSE
Your Ref: 2323

Please ask for: Central Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990

TOWN AND COUNTRY PLANNING GENERAL PERMITTED DEVELOPMENT ORDER, 1995

REFUSAL OF PERMISSION TO DEVELOP (DP2)

The Borough Council in pursuance of its powers under the above-mentioned Act and Order, hereby REFUSE to permit the development referred to in the under-mentioned Schedule as shown in the plans submitted. Your attention is drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT: Erection of rear extension at basement, ground floor and 1st floor half landing.

SITE ADDRESS: 22 Scarsdale Villas, London, W8 6PR

RBK&C Drawing Nos: PP/04/01549

Applicant's Drawing Nos: 2323/PP1, /PP2, /PP3, /PP4, /PP5B, /PP6B, /PP7B, /PP8B, /PP9.

Application Dated: 08/07/2004

Application Completed: 09/07/2004

REASON(S) FOR REFUSAL OF PERMISSION ATTACHED OVERLEAF



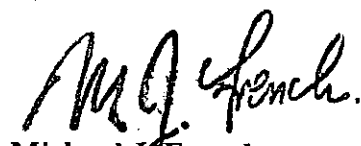
REASON(S) FOR REFUSAL:

1. The proposal to construct a full-width extension at lower and upper ground floor levels as well as a half-width extension at first floor level on a largely unaltered property within a conservation area is considered excessive in terms of bulk and scale and will lead to the further erosion of the character and appearance of the property. The proposal is also considered to result in considerable harm to the character and appearance of the surrounding conservation area, which it fails to either preserve or enhance. The proposal is, therefore, considered not to comply with the Council's Unitary Development Plan policies, in particular, Policies CD27, CD47, CD48, CD57, CD61 and CD62.
2. The proposed extensions at No. 22, if constructed in isolation of the same scheme proposed at the adjoining property at No. 24, would result in a sense of enclosure and loss of light to that property in particular. The proposal is, therefore, considered not to comply with the Council's Unitary Development Plan policies, in particular, Policies CD33 and CD36.

INFORMATIVE(S)

1. You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD27, CD33, CD36, CD47, CD48, CD57, CD61 and CD62. (I51)

Yours faithfully,



Michael J. French
Executive Director, Planning and Conservation

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC

Appellant's Statement of Case - ref APP/K5600/A/04/1166835
24 Scarsdale Villas, London W8 6PR

Erection of rear extension at basement, ground floor and first floor half landing

1. This Statement concerns the appeal site at 24 Scarsdale Villas, located within the Royal Borough of Kensington and Chelsea.
2. The Appellant's Grounds of Appeal were fairly comprehensive and based on the reasons for refusal supplied by the Local Planning Authority. These are not repeated here but of course the appellant's case is based on both sets of information. The Grounds of Appeal provided a detailed justification in terms of policy.
3. Since then, further information has been provided by the Council's questionnaire – notably the Officer's Delegated Report and details of Third Party representations. This Statement deals with these further issues whilst stressing that additional comments may be made once the Local Planning Authority has issued its detailed Statement of Case.
4. It is worth reiterating that the appellant's case complies with planning policy of the Royal Borough and indeed planning guidance at national level (PPG15). This is all set out in paragraphs 13 to 18 of the Grounds of Appeal.
5. The Delegated Report has the following comments by the Officer:
 - impact on the building itself;
 - impact on the Conservation Area;
 - effect on existing amenity;
 - effects on a pair of properties which remain unaltered;
 - nearby extensions which are overdevelopment and where UDP policies would aim to prevent;
 - half width extensions would be appropriate; and,
 - concern of enclosure if either extension were to be developed in isolation of each other.
6. The Third Party comments are reported by the Officer as follows:
 - Intrusive and unsightly development;
 - Extensions are not in-keeping with the area;
 - Overlooking of private space;
 - Loss of light; and,
 - Loss of garden space.
7. In the Delegated Report, it would be reasonable to conclude that only the first two items raised by Third Parties can be considered as part of the Council's case. There is no amenity issue relating to the loss of garden space, the loss of light or indeed overlooking of private open space. The local townscape is fairly generous in this location where these matters would not play a part. The rest of this Statement deals with the more fundamental considerations relating to the impact on the Conservation Area and the impact on the building.

Impact on the Conservation Area

8. There is nothing in the Council's UDP or indeed the Conservation Area Statement which precludes an extension at the appeal site. The Council's case that these (Nos.24 and 22) are two villas which remain unaltered and therefore should be protected seems absurd. The Conservation Area Statement refers to the Villa style houses which can be found on the north side and east end of Scarsdale Villas. Rightly so, these front elevations are important but no reference is made of the rear elevations in terms of their significance to the Conservation Area. It is now well established however, that conservation policy is about preservation and enhancement and not about preventing development.
9. The Council alludes to other extensions nearby which represent over-development. However, the appeal proposal is modest by comparison and it should not be refused because of what has happened elsewhere in the past.

Impact on the Building

10. The Council's Delegated Report states that half width extensions at all three levels may be acceptable and that full width extensions are not welcome, on this site or 'the majority of other cases in the Borough'. It is worth reviewing this comment in terms of what is proposed:
 - That the first floor extension is acceptable since it is half width, and therefore should not feature in the Inspector's deliberations;
 - That some consideration needs to be given as to whether the proposals at basement and ground floors are full width;
 - That some consideration should be given as to whether this site has any special characteristics from 'the majority of other cases in the Borough'.
11. It is clear from the Officer's Delegated Report that no reference has been made to the changes in levels within the site. It can also be presumed that the objection to full width extensions is to ensure that these are subordinate to the original building.
12. It is considered that the ground floor extension is subordinate by its design, which includes its conservatory style appearance, its size and envelope as well as materials. These were all addressed in the Grounds of Appeal at paragraphs 21 and 22.
13. It is further considered that this site should not be considered like 'the majority of other cases in the Borough'. The proposed extension at rear basement level would be much lower than the garden level. It would thus have a reduced impact when viewed from other properties facing (Third Parties) or indeed their garden areas. This is evident from the photographs enclosed with the Grounds of Appeal showing the garden level.

Other Matters

14. The Council continues to raise the issue of implementing this scheme without the same scheme at No.22 Scarsdale Villas, also at appeal. At the Grounds of Appeal stage, we suggested a Section 106 Agreement to secure joint implementation. However, it is now considered that a Grampian condition might be more appropriate or indeed joining the appeals in some way.
15. On a Without Prejudice basis, given the protracted period involving this appeal, we would ask the Inspector that in the event that the scheme is unacceptable, whether consideration could be given to a split decision, subject to further conditions as appropriate.
16. It is requested that the appeal is allowed.

Appellant's Statement of Case - ref APP/K5600/A/04/1167494 **22 Scarsdale Villas, London W8 6PR**

Erection of rear extension at basement, ground floor and first floor half landing

1. This Statement concerns the appeal site at 22 Scarsdale Villas, located within the Royal Borough of Kensington and Chelsea.
2. The Appellant's Grounds of Appeal were fairly comprehensive and based on the reasons for refusal supplied by the Local Planning Authority. These are not repeated here but of course the appellant's case is based on both sets of information. The Grounds of Appeal provided a detailed justification in terms of policy.
3. Since then, further information has been provided by the Council's questionnaire – notably the Officer's Delegated Report and details of Third Party representations. This Statement deals with these further issues whilst stressing that additional comments may be made once the Local Planning Authority has issued its detailed Statement of Case.
4. It is worth reiterating that the appellant's case complies with planning policy of the Royal Borough and indeed planning guidance at national level (PPG15). This is all set out in paragraphs 13 to 18 of the Grounds of Appeal.
5. The Delegated Report has the following comments by the Officer:
 - impact on the building itself;
 - impact on the Conservation Area;
 - effect on existing amenity;
 - effects on a pair of properties which remain unaltered;
 - nearby extensions which are overdevelopment and where UDP policies would aim to prevent;
 - half width extensions would be appropriate; and,
 - concern of enclosure if either extension were to be developed in isolation of each other.
6. The Third Party comments are reported by the Officer as follows:
 - Intrusive and unsightly development;
 - Extensions are not in-keeping with the area;
 - Overlooking of private space;
 - Loss of light; and,
 - Loss of garden space.
7. In the Delegated Report, it would be reasonable to conclude that only the first two items raised by Third Parties can be considered as part of the Council's case. There is no amenity issue relating to the loss of garden space, the loss of light or indeed overlooking of private open space. The local townscape is fairly generous in this location where these matters would not play a part. The rest of this Statement deals with the more fundamental considerations relating to the impact on the Conservation Area and the impact on the building

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.		7 JAN 2005				PLANNING
K.C.						
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Impact on the Conservation Area

8. There is nothing in the Council's UDP or indeed the Conservation Area Statement which precludes an extension at the appeal site. The Council's case that these (Nos.22 and 24) are two villas which remain unaltered and therefore should be protected seems absurd. The Conservation Area Statement refers to the Villa style houses which can be found on the north side and east end of Scarsdale Villas. Rightly so, these front elevations are important but no reference is made of the rear elevations in terms of their significance to the Conservation Area. It is now well established however, that conservation policy is about preservation and enhancement and not about preventing development.
9. The Council alludes to other extensions nearby which represent over-development. However, the appeal proposal is modest by comparison and it should not be refused because of what has happened elsewhere in the past.

Impact on the Building

10. The Council's Delegated Report states that half width extensions at all three levels may be acceptable and that full width extensions are not welcome, on this site or 'the majority of other cases in the Borough'. It is worth reviewing this comment in terms of what is proposed:
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Other Matters

14. The Council continues to raise the issue of implementing this scheme without the same scheme at No.24 Scarsdale Villas, also at appeal. At the Grounds of Appeal stage, we suggested a Section 106 Agreement to secure joint implementation. However, it is now considered that a Grampian condition might be more appropriate or indeed joining the appeals in some way.
15. On a Without Prejudice basis, given the protracted period involving this appeal, we would ask the Inspector that in the event that the scheme is unacceptable, whether consideration could be given to a split decision, subject to further conditions as appropriate.
16. It is requested that the appeal is allowed.

EX DIR	HDC	TP	C-0	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARE	FPLN	DES	FEES

From: The Rt Hon Lord Justice Neuberger

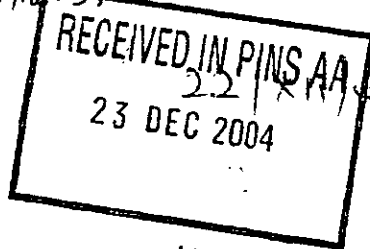


ROYAL COURTS OF JUSTICE
STRAND, LONDON, WC2A 2LL

As from 28 Scarsdale
Villas

Yours of: DPS/DEC/PP/04/01550

ELDT Ref: AGG/K1600/A/04/111135 London L & BIR



Dear Sir,

Town & County Planning Act 1990
24 Scarsdale Villas
Merton Lajam

I have lived with my family at 28
Scarsdale Villas since 1988. It is next
door but one to No 24.

On behalf of my family I wish to
object to the appeal being allowed.

The proposed work will result in an
extension which is far too large &
it will set a precedent which would
P/O

to the long run better the character of
the road, instead of the area.

I am aware that, in the past, some
large extensions have been allowed. Indeed,
I have such an external horizon, mistakes
in the past do not justify mistakes in the
future. Further, a degree of variety
is not inappropriate. If the present
application is allowed I will set an
unmistakable and undesirable trend,
with any doubt.

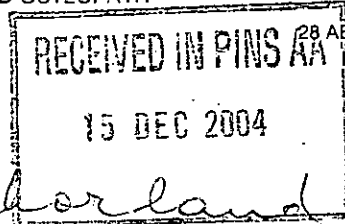
Yours sincerely

J. H. N. M. J.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Miss M. L. MAHIEU, D.O., (B.S.O.)
REGISTERED OSTEOPATH

Tel: 020 7584 3424
Fax: 020 7937 0160



28 ABINGDON VILLAS
LONDON W8 6BX

10-12-4

Dear Mr Shorland

This note is about both
my previous letters to you
concerning 2 offers:

{ APP K 5600/A/04/1167494
[APP K 5600/A/04/1166835

Please feel free to come
& view the site from my
garden windows - I work
from home and face
directly N° 22 & 24 Scars-
dale Villas (see above
ref N°s)

You would clearly be
able to compare the pro-
posed job with an
alteration done at N° 28
Scarsdale Villas many
many years ago -
As it is, 28 Scarsdale

Villas' alteration has
a mansarde roof so as
to reduce the brick effect,
and the whole thing is
much shallower than
the proposed one for 22x24.

It would give you an
idea concretely of the
problem we all face.

Please feel free to phone
I can fit round your
timing

thank you for your help -

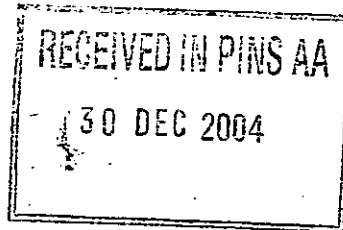
Yours faithfully

Wahneema Lubiano

26 SCARSDALE VILLAS
LONDON W8 6PR

Tel 020 7937 6622 Fax 020 7937 0888

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



23rd December 2004

For the attention of Mr D Shoreland

Dear Sir

Notice of Planning Appeal relating to: Nos 22 & 24 Scarsdale Villas, London W8
ODPM's refs: App/K5600/A/04/1167494 & App/K5600/A/04/1166835

Mr French, Executive Director of Planning and Conservation has written us two letters concerning the above.

We now write to confirm that our objections concerning the above proposals have not changed since we wrote to Mr French on 2nd August 2004.

We would be most grateful if you could send us a note of your final decision and to that end we look forward to hearing from you.

Yours faithfully

Two handwritten signatures in black ink. The first signature is "Edward" and the second is "Miranda".

Edward & Miranda Lim

Cc M J French Esq, Executive Director, Planning & Conservation, The Royal Borough of
Kensington & Chelsea, The Town Hall, Hornton Street, London W8 7NX
(Refs: DPS/DCC/PP/04/01549 & DPS/DCC/PP/04/01550)

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	7 JAN 2005				PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

30 Abingdon Villas

Kensington

London W8 6BX

9 December 2004

The Planning Inspector

Room 3/09 Kite Wing

Temple Quay House

2 The Square

Temple Quay

Bristol BS1 6PN

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	7 JAN 2005				PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Dear Sir,

APP/K 5600/A/04/1164494, 21 Scarsdale Villas
London W8 6PB

I have been resident at my above address since 1954. Never since that time have so many neighbours in Abingdon and Scarsdale Villas found it necessary to join into making reservations against a Planning Appeal.

Mr & Mrs. Marreno have lived at no. 21 Scarsdale Villas for a goodly number of years without showing any interest in extending their property.

My objections to such a building project are the same as originally expressed in my letter(s) to Kensington and Chelsea Council.

I hope you will find it possible to refuse this Appeal.

Please inform me of your decision.

Yours sincerely,
Paul Philpot

C Dr. R. PHILPOT

**26 ABINGDON VILLAS
LONDON W8 6BX**

TEL/FAX: 020 7937 9148 (HOME)
TEL: 020 7753 2345
FAX: 020 7753 2197 (OFFICE)

The Planning Inspectorate
Room 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. K.C.	7 JAN 2005				PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

16 December 2004

Dear Sirs

Re: Town and Country Planning Act 1990
Proposed development at 22 Scarsdale Villas, London W8 6PR
Ref: App/K5600/A/04/1167494

I am writing to object to the proposal to undertake a very substantial enlargement of No. 22 Scarsdale Villas by the erection of a large rear extension at basement, upper ground and first floor half landing levels with a conservatory extension at upper ground level. The appellants' house is in the heart of a historically important Conservation Area and is subject to strict Policy Guidelines on permitted development. This application does not meet these requirements in many respects.

The history of this planning application is interesting in itself, if not to say curious. It all started following the sale in the autumn of 2003 of No 24 Scarsdale Villas to its current owners, who immediately sought permission for their own large extension (currently also under appeal: ref. App/K5600/A/04/1166835). The appellants, who have lived at No 22 for twenty years or so were originally very alarmed at their neighbours' proposals. They even contacted me with a view to objecting to them and, so far as I am aware, did so. Some time later, however, the appellants submitted a mirror-image planning application to that of No 24 through the very same firm of architects as drew up the plans for No. 24. One can only speculate as to how they were persuaded to join forces with the owners of No. 24 but it must be highly questionable whether Mr and Mrs Marrero have any genuine interest in this extension. However, in the face of their neighbours' continued determination to press ahead with their own plans, it was clearly the only way to protect their property's value. If they elected to do nothing, No 22 would suffer materially from the enlargement of No. 24 taking much of the light at the rear of the house.

No 22 Scarsdale Villas is immediately behind my own house and, having reviewed the plans, I and the neighbours to whom I have spoken all feel that the scale of the development will seriously prejudice the open space between the rear of their house and the houses in Abingdon Villas and, in particular, that the raised corner conservatory will overlook our house and garden unacceptably.

With regard to the grounds of appeal, the appellants make reference to the Borough's Unitary Development Plan Policies CD47 and CD48. It is alleged that none of the listed criteria in paragraph 13 of their document are offended by the proposed development. This is simply untrue. The development will breach at least five of them:-

- It will significantly reduce (by approx 20%) the depth of the garden and, therefore, the distance between the applicants' house and mine;
- It will spoil/disrupt the rhythm of rear additions – it is full width at basement and upper ground floors;
- It will reduce day/sunlight to No24 Scarsdale Villas if the mirror development does not take place;
- It will lead to significant overlooking – the raised conservatory will look directly towards my house and, if the wooden side cladding is pierced for a new window at any time, it will overlook No 20 Scarsdale Villas too;
- The chosen design and materials in this latest version are inferior and out of character when compared to the existing building.

The appellants also state that the proposal does not offend policy CD48 citing four criteria. In fact two of these are specifically breached. First, the proposed conservatory is significantly above garden level. It is on the raised ground floor i.e. at least 3m above the garden-level floor. Secondly, it is sited on a corner site.

The appellants then cite Policies CD27, CD57 and CD61. They attempt to justify the development on the basis that fewer of us will be adversely affected than if it were visible from the street. To each one of us who is affected, the notion that our "private views" are, in effect, unimportant and that this should count in favour of the applicants disregards our human rights and the fact that it is us, not them, who will suffer if this development is permitted to take place.

The appellants say the key question is whether the "townscape" would be unharmed and, in saying this, they mention the rear extensions of neighbouring houses. While it is true that there are indeed extensions elsewhere, we have lived in this house for well over twenty years and, to my recollection, not one of them has been built in that time. Almost without exception, they are very old indeed. The Borough's Unitary Development Plan, which was introduced in 2002, surely cannot be undermined by developments, which took place long beforehand, possibly even before planning controls were introduced. Furthermore, the appellants completely overlook the fact that this development will destroy the integrity of the only virtually unaltered pair of these important Victorian houses.

Since this house is situated immediately behind both the appellants' property, I would like the Inspector to view the appeal site from here at the time of the site visit. I understand that representatives of the local authority and the appellants may wish to accompany the Inspector.

I shall be grateful to be kept informed of both the progress and outcome of the appeal.

Yours faithfully



S M Lawton (Mrs)



The Planning Inspectorate

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

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

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

Mrs J Ironside
22 Abingdon Villas
London
W8 6BX

Your Ref:

Our Ref: APP/K5600/A/04/1167494

Date: 2 December 2004

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR & MRS MARRERO
SITE AT 22 SCARSDALE VILLAS, LONDON, W8 6PR

Thank you for your letter making representations and asking the Inspector to look at the appeal site from your property.

I will make sure that 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 appellant 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. We will send you details of the site visit as soon as they are made.

I am sending a copy of your letter and this reply to the appellant and the LPA.

Yours faithfully

Mr Dave Shorland

105(BPR)

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

22, Abingdon Villas, London W8 6BX

The Planning Inspectorate,
3-07 Kite Wing,
Temple Key House,
2 The Square,
Temple Key,
BRISTOL,
BS1 6PN.

29/11/04

Dear Sirs,

Re: Town and Country Planning Act 1990
Proposed development at 24 Scarsdale Villas, London W8 6PR.
Ref. APP K5600/A/04/1166835

I refer to the proposal to undertake the development of 24 Scarsdale Villas.

I have already objected to this by letter to the Kensington and Chelsea Borough Council and I remain concerned that the extension into their garden area would create a precedent for future similar developments thereby eroding the attractiveness of this part of the conservation area by reducing the open green space.

I should be grateful if you could inform me of when the Inspector's site visit will take place because I believe it is important for him to view the property from houses in Abingdon Villas.

I wholeheartedly concur with the letters sent by Mrs. Mahieu of 28, Abingdon Villas and Mrs. Lawton of No. 26, Abingdon Villas.

Yours faithfully,

Jean Ironside

Mrs. J. Ironside

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	7 JAN 2005				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
HBS			ARE	FPLN	DES	FEES

22, Abingdon Villas, London W8 6BX.

The Planning Inspectorate,
3-07 Kite Wing,
Temple Key House,
2 The Square,
Temple Key,
BRISTOL, BS1 6PN.

29/11/04

Dear Sirs,

Re: Town and Country Planning Act 1990
Proposed development at 22 Scarsdale Villas, London W8 6PR.
Ref. APP K5600/A/04/1167494

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I should be grateful if you could inform me of when the Inspector's site visit will take place because I believe it is important for him to view the property from houses in Abingdon Villas.

I wholeheartedly concur with the letters sent by Mrs. Mahieu of 28, Abingdon Villas and Mrs. Lawton of No. 26, Abingdon Villas.

Yours faithfully,

Jean Ironside

Mrs. J. Ironside

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	7 JAN 2005				PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

30 Abingdon Villas
London W8 6BX
4th December 2004

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

ODPM Ref App/K5600/A/04/1166835
Appeal 24 Scarsdale Villas London W8 6PR
Town and Country Planning Act 1990
Extension of rear extension at basement, ground floor and first floor landing.

Dear Planning Inspectors ,

Please acknowledge this letter.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Please forward me a copy of the Inspector's decision letter.

I reside at 30 Abingdon Villas London . My back garden backs onto the back garden of 24 Scarsdale Villas. I have a clear and direct view of 24 Scarsdale Villas London .

I am objecting to this appeal.

The appellants and their agents have not changed any part of this plan for a rear extension at basement , ground floor and first floor landing. This is despite numerous objections to the original plans. An opportunity has been missed to change this plan into a careful design before this appeal.

No consultations would appear to have occurred either with neighbours or relevant bodies such as the Victorian Society or the Kensington Society. Both before the original plans were submitted and before this appeal. Whilst there is no obligation to consult either neighbours or relevant bodies, a careful design would have involved some consultation with neighbours and relevant bodies. This is not a careful design.

The grounds for appeal contend ' Through careful design , the appeal proposal results in none of these problems ' | Policies CD47 and CD 48 – Extensions and Conservatories | . This is not so. This is not a careful design – as explained above.

I will detail below the many problems under policies CD47 and CD 48 – Extensions and Conservatories which do occur :

The garden amenity area is significantly reduced. The garden in 24 Scarsdale Villas would be reduced significantly. My own garden would be overlooked and overshadowed. Noise pollution would increase in my garden and my neighbours gardens as a direct result of the extension at 24 Scarsdale Villas. These green and pleasant gardens have butterflies, birds and bees. These would all be affected. My neighbours in the Abingdon Gardens block of flats adjacent to 32 Abingdon Villas would look out over an oversize extension and not a garden. Privacy in the gardens in Scarsdale Villas and Abingdon Villas would be reduced.

This extension is not visually subordinate to the parent building.

This reduces sunlight and daylight to neighbouring dwellings. Especially to 26 Scarsdale Villas – and to 32, 30,28,26 and 24 Abingdon Villas.

DC47 resists full width extensions. This is a full width extension.

This plan would lead to significant overlooking. Especially to 26 Scarsdale Villas – and 24, 26, 28 and 30 Abingdon Villas.

This plan has details which are not in character with the building. This extension is too large and not in character with the building.. A ground floor conservatory is not in character with an unspoilt 1860s Victorian house in one of the first two Conservation Areas in a historic part of the Royal Borough of Kensington and Chelsea.

And the conservatory is on a corner site.

Preservation and enhancement.

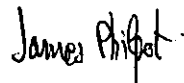
Many properties in Scarsdale Villas, Abingdon Villas and Abingdon Gardens block of flats | adjacent to 32 Abingdon Villas | would lose daylight, sunlight and privacy. They would face an oversize extension which would spoil the gardens in this Conservation Area – and they would suffer from a loss of birds , bees and butterflies. Added noise pollution would ensue. They would view a ground floor conservatory which would be out of character for these Victorian houses. This extension would neither preserve nor enhance.

I have been a resident in 30 Abingdon Villas since 1959 and know full well that the last rear extension in this part of Scarsdale Villas was built in 1975. I note that the photographs of extensions, windows and conservatories provided by the appellants and their agent are undated. There is no modern precedent for a large rear extension.

In the last 29 years Planning and Conservation have changed. I would expect this appeal to be judged by present laws and standards on Planning and Conservation.

This appeal should be turned down.

Yours

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

James Philpot

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

30 Abingdon Villas
London W8 6BX
4th December 2004

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

ODPM Ref App/K5600/A/04/1167494
Appeal 22 Scarsdale Villas London W8 6PR
Town and Country Planning Act 1990
Erection of rear extension at basement, ground floor and first floor landing.

Dear Planning Inspectors ,

Please acknowledge this letter.

Please forward me a copy of the Inspector's decision letter .

I reside at 30 Abingdon Villas W8 6BX which overlooks 22 Scarsdale Villas W8 6PR.

No change in the plans

Despite many objections to the original plans which were rejected by the Royal Borough of Kensington and Chelsea , I note that no changes were made to the plans before the appeal.

Grounds of Appeal

The appellant Mr and Mrs Marrero and their agent D' Arcy Associates claim ' Through careful design, the appeal proposals results in none of these problems. It should be assumed therefore that permission should have been granted at the application stage ' - Re policies CD 47 and CD 48 – Extensions and Conservatories.

This is not so.

Careful design ?

It would appear that no neighbours were consulted over the original plans which were rejected by the Royal Borough of Kensington and Chelsea. It would also appear that no neighbours were consulted over the plans before this appeal. Although there is no obligation to consult with neighbours, a careful design would have included some consultation of neighbours.

No mention was made in the original application or the appeal of the Edwardes Square, Scarsdale and Abingdon Conservation Area Policy Statement by the Royal Borough of Kensington and Chelsea. This Conservation Area includes both Scarsdale Villas and Abingdon Villas. This is a relevant document. These are 1860s Victorian houses in an historic conservation area.

I note that no consultations would appear to have been made with relevant bodies such as the Victorian Society or the Kensington Society. A careful design would have consulted with interested bodies.

This is an outsize and intrusive design.

A careful design would have included consultation with neighbours and relevant bodies, and would have declared a perusal of the relevant local Conservation Area policy statement. A careful design would not include a ground floor conservatory in an unspoilt 1860s Victorian house in a Conservation Area.

For these reasons this is not a careful design.

Re policy CD 47.

Reduces significantly the garden amenity area ?

My back garden would be overlooked by this extension. Not only would the garden be reduced significantly in 22 Scarsdale Villas, but the gardens in neighbouring properties in both Scarsdale Villas and Abingdon Villas would be overlooked and overshadowed. Noise would increase. Privacy would be lost. These green gardens have birds, butterflies and bees. These would be affected. The view from the balconies in the Abingdon Gardens flats – adjacent to 32 Abingdon Villas – would overlook an oversize extension.

This plan would mean a significant reduction of the garden amenity area.

Visually subordinate to the parent building ?

This extension is not visually subordinate to the parent building.

Re policy CD 47 Reduces sunlight and daylight to neighbouring dwellings ?

This plan would reduce both sunlight and daylight to houses in Scarsdale Villas. And to the houses at 32,30,28,26,24, 22 and 20 Abingdon Villas.

Full Width Extension

This is a full width extension. Policy CD47 resists full width extensions.

Leads to significant overlooking ?

This plan would lead to significant overlooking of both houses and gardens in Abingdon Villas , and to houses and gardens in Scarsdale Villas. Especially 22, 24,26, and 28 Abingdon Villas.

Has details which are not in character with the building ?

The ground floor conservatory is not in character with the building. The oversize extension is not in character with the building.

Preservation and enhancement ?

Many houses and flats would be affected by this extension in a Conservation Area. This extension does not preserve and does not enhance.

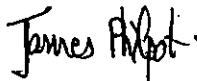
Photographs of the surrounding garden areas

I have been a resident at 30 Abingdon Villas since 1959. The last rear garden extension in this part of Scarsdale Villas was in 1975. These photographs – although undated – show examples of extensions no older than 1975. There is no modern precedent for a large rear extension.

Planning and Conservation have changed since 1975. I would expect this plan to be judged by present laws and standards on Planning and Conservation .

This appeal should be turned down.

Yours

A handwritten signature in black ink, appearing to read 'James Philpot'.

James Philpot

32 Abingdon Villas
London W8 6BX
Tel: 020 7937 7023

3rd December 2004

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

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Dear Sirs,

Planning Appeals:

22 Scarsdale Villas -ODPM Ref APP/K5600/A/04/1167494 and

24 Scarsdale Villas - ODPM Ref APP/K5600/A/04/1166835

We do most sincerely hope that you will reject the appeals by Mr and Mrs Marrero and Mr and Mrs Lajam against the rejection by our Borough Council of their plan.

Obviously, having lived at the above address since 1955, we have seen many changes to our "private views" over the years, but we do care about being overlooked. We can understand some changes could be necessary to provide modern amenities. My objection is to the magnitude of the project in proportion to the houses. The scale and appearance would be overwhelming. The new extension would be far too close to the rear of our house and would overlook our bedrooms and bathroom, seriously affecting the privacy we have always so appreciated.

Yours sincerely,

Jean-Pierre Warner & Sylvia Warner

Sir Jean-Pierre and Lady Warner

20 Scarsdale Villas
London W8 6PR
Tel: 020 7937 5935
Email: azgorelec@dsl.pipex.com

9th December 2004

The Planning Inspectorate
Room 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. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARE	FPLN	DES	FEES

Dear Sirs,

Re: TOWN AND COUNTRY PLANNING ACT 1990
Notice of a Planning Appeal relating to 22 & 24 Scarsdale Villas, London W8 6PR
Ref: App/K5600/A/04/1167494 & App/K5600/A/04/1166835

We would like to join our neighbours in making a strong objection to the planning appeal at the above properties. We believe that the proposed extensions would not be in keeping to this conservation area. We have lived in our house for over 20 years, and do not know of any extensions of a similar nature that have been built in the neighbourhood.

Yours faithfully,

Angelo Zgorelec

M. L. Mahieu D.O. (B.S.O.)
28 Abingdon Villas, London W8 6BX

The Planning Inspectorate,
3-07 Kite Wing,
Temple Key House,
2 The Square,
Temple Key,
BRISTOL, BS1 6PN.

29/11/04

Dear Sir,

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	7 JAN 2005				PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Re: Town and Country Planning Act 1990
Proposed development at 22 Scarsdale Villas, London W8 6PR.
Ref. APP K5600/A/04/1167494

I am appalled that this proposed enlargement should be considered again after being refused several times by our local planning authorities.

Indeed there are already two such design enlargements but they are old, very overbearing and probably date from before planning control.

As they stand, they are senseless eyesores, tower block like, and devoid of any of the charm or style of their neighbouring extensions. This would be a chance to preserve the last remaining original pair designed in the 1850's.

Their proximity is something that , as residents, we endure at all times, and we would rather avoid.

We are all concerned to see this appeal dealt with in Bristol, so far from our "conservation area" where green space is increasingly at a premium. This is reflected in our house prices and our huge rate paid yearly for this privilege. It is therefore our human right that this should be protected in accordance with the term "conservation".

Why buy into a green protected area to dismantle such a large area of green space.

I am amazed as to the allegation of the applicants concerning paragraph 13 because none of this is true.

The building will project 20% into the present garden and the paved yard as much again getting rid of two-thirds of the green space. This project will much reduce our space light and privacy and ruin the outlook created by other far more

tastefully designed extensions that are in harmony with the area.

Regarding the wording of the appeal, the applicants precisely plan the opposite: to erect, on an already raised ground floor, a corner conservatory which will overlook directly into the side property and also us at the back in a very substantial way.

The project is not only massive but resemble a huge brick tower devoid of any character.

The 50 cm shelving above the ground floor level will not fool anyone into believing that it looks like a terrace because the project still looks like a continuous tower.

In these days of tougher building laws, how can we remotely consider jeopardising this area when so many areas of London are doing precisely the opposite.

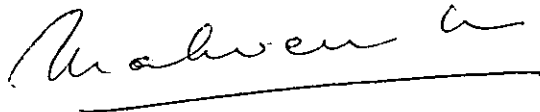
Numerous massive refurbishment projects are sprouting everywhere, restoring with care, charm, style and exquisite taste our green areas and the line of classic buildings, to repair the damage done many years ago in more disrespectful times.

The trend is turning back everywhere while we would allow our "conservation area" to be built on indiscriminately and still foot the bill so heavily...surely this is wrong.

If we are a conservation area all should be done to keep it just that.

I look forward to hearing from the result of this appeal.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Mahieu', with a horizontal line drawn underneath it.

M. L. MAHIEU

M. L. Mahieu D.O. (B.S.O.)
28 Abingdon Villas, London W8 6BX

The Planning Inspectorate,
3-07 Kite Wing,
Temple Key House,
2 The Square,
Temple Key,
BRISTOL,
BS1 6PN.

29/11/04

Dear Sir,

Re: Town and Country Planning Act 1990
Proposed development at 24 Scarsdale Villas, London W8 6PR.
Ref. APP K5600/A/04/1166835

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

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We are all concerned to see this appeal dealt with in Bristol, so far from our "conservation area" where green space is increasingly at a premium. This is reflected in our house prices and a huge rates paid yearly for this privilege. It is therefore our human right that this should be protected in accordance with the term "conservation".

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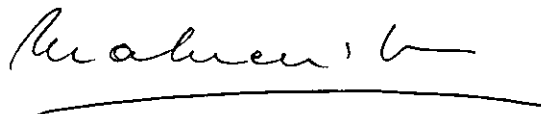
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I look forward to hearing from the result of this appeal.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'Mahieu', with a horizontal line drawn underneath it.

M. L. MAHIEU

N.B: As far as the Lajams are concerned, they seem to have abandoned their house since the second refusal. It leads me to wonder if no 24 is a financial kill at our expense rather than a future home.

**26 ABINGDON VILLAS
LONDON W8 6BX**

TEL/FAX: 020 7937 9148 (HOME)
TEL: 020 7753 2345
FAX: 020 7753 2197 (OFFICE)

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

EX DIR	HDC	TP	C-C	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

16 December 2004

Dear Sirs

Re: Town and Country Planning Act 1990

Proposed development at 24 Scarsdale Villas, London W8 6PR

Ref: App/K5600/A/04/1166835

I am writing to object to the proposal to undertake a very substantial enlargement of 24 Scarsdale Villas by the building of a large rear extension at basement, upper ground and first floor half landing levels with a conservatory extension at upper ground level. Different versions of this proposal have been the subject of three successive planning applications, the first was subsequently withdrawn and the two later versions been refused by the Royal Borough of Kensington and Chelsea. I understand that the latest refusal is now under appeal, hence this letter.

The property in question lies in a designated Conservation Area immediately behind my own and, having reviewed the plans, I and the neighbours to whom I have spoken all feel that the scale of the development will crowd-in on the open space between the rear of their house and the houses in Abingdon Villas as well as being highly intrusive; particularly the raised conservatory on the corner of the proposed extension.

With regard to the grounds of appeal, the appellants make reference to the Borough's Unitary Development Plan Policies CD47 and CD48. It is alleged that none of the criteria listed in paragraph 13 of their document are offended by the proposed development. This is simply untrue. The development will breach at least five of them:-

- It will significantly reduce (by approx 20%) the depth of the garden and, therefore, the distance between the appellants' house and mine;
- It will spoil/disrupt the rhythm of rear additions – it is full width at basement and upper ground floors;
- It will reduce day/sunlight to No22 Scarsdale Villas if the mirror development does not take place;
- It will lead to significant overlooking – the raised conservatory will look directly towards my house and, if the wooden side cladding is pierced for new windows at any time, it will overlook No 26 Scarsdale Villas too. The panelling on the side wall indicates that this is a distinct possibility.

- The chosen design and materials in this latest version are inferior and out of character when compared to the existing building.

The appellants also contend that the proposal does not offend policy CD48 citing four criteria. In fact two of these are specifically breached. First, the proposed conservatory is significantly above garden level. It is on the raised ground floor i.e. at least 3m above the garden-level floor. Secondly, it is sited on a corner site.

The appellants then cite Policies CD27, CD57 and CD61. They attempt to justify the development on the basis that fewer of us will be adversely affected than if it were visible from the street. To each one of us who is affected, the notion that our "private views" are unimportant and that this should count in favour of the applicants, just two in number, offends both our basic human rights and demonstrates a disregard for the fact that it is us, not them who will suffer if this development is permitted to take place.

The appellants say the key question is whether the "townscape" would be unharmed and, in saying this, they mention the rear extensions of neighbouring houses. While it is true that there are indeed extensions elsewhere, we have lived in this house for well over twenty years and, to my recollection, not one of them has been built in that time. Almost without exception, they are very old indeed. The Borough's Unitary Development Plan, which was introduced in 2002, surely cannot be undermined by developments, which took place long beforehand, possibly even before planning controls were introduced. Furthermore, the appellants ignore the fact that this development will destroy the integrity of the only unaltered pair of these important Victorian houses in the terrace.

In conclusion, the appellants must have been fully aware that they were buying a house in a Conservation Area and yet they appear to think that the relevant Policy Statements restricting development here do not apply to them. If they wanted a larger house, they should have bought one elsewhere.

Since my own house is immediately behind the appellants', I would like the Inspector to see the appeal site from here at the time of the site visit. I understand that representatives of the Council and the appellants may accompany the Inspector.

I shall be grateful to be kept informed of both the progress and outcome of the appeal.

Yours faithfully



S M Lawton (Mrs)

30 Abington Villas
Hensington
London W8 6BX

9 December 2004

The Planning Inspectorate
Room 3/04 Nile Wing, Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	7 JAN 2005				PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Dear Sirs,

Planning Appeal App/K 5600/A/04/1166835-24 Scarsdale Villas London
W8 6PR

My objections are simply that the Appellants appear to dismiss the justified concerns of a whole group of their neighbours.

My property shares approximately 3/4 of the back garden wall with no. 24 Scarsdale Villas. The adjoining backgardens of Scarsdale and Abington Villas provide a considerable amenity all round. These gardens should not be cut in size.

The proposed architectural development - so justly refused by the Planning authority of the Royal Borough - would play havoc with my privacy, be damaging all round.

Please inform me of the outcome of this appeal.

Yours sincerely,

Paul Shiffel

(Dr. R. PHILPOT)

PS I am sorry I

have no facilities
for typing/printing
this letter.

ESSA

Edwardes Square Scarsdale & Abingdon Association

Chairman: Professor Anthony Walker

Hon. Secretary: Mrs. S. Anderson, 8 Phillimore Terrace, W8 6BJ. Tel 020 7937 5292

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

20th December 2004

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	7-JAN-2005				PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Dear Sirs

Re: Town and Country Planning Act 1990

Proposed development at 22 Scarsdale Villas, London W8 6PR

Ref: App/K5600/A/04/1167494

I am writing on behalf of the above residents' association which represents residents in the Edwardes Square Scarsdale and Abingdon Conservation Area. We have reason to believe that our earlier letter of objection may have gone astray. If, however, you have received it safely, please disregard this follow-up letter.

This Association strongly objects to this proposed development and to support the Council's refusal to give it planning consent. Our objections to the proposals are many, the principal ones of which are the following:-

- 1 The planned extension is too large and extends across the full width of the house on two floors.
- 2 The conservatory is raised above ground level and will overlook the neighbouring houses and gardens.
- 3 The extension will significantly reduce the open space between Scarsdale Villas and Abingdon Villas.
- 4 The development would conflict with the Council's Policies applicable to this Conservation Area.
- 5 The development would conflict with the Council's Unitary Development Plan.

Overall, this is an wholly unwelcome development in our Conservation Area.

We trust the Inspector will have regard to the views of the residents who we represent and give effect to the express purposes for which this area was given its Conservation status.

Please could you ensure to provide me with a copy of the Inspector's decision.

Yours faithfully,

Chairman

For and on behalf of The Edwardes Square Scarsdale and Abingdon Association

ESSA

Edwardes Square Scarsdale & Abingdon Association

Chairman: Professor Anthony Walker

Hon. Secretary: Mrs. S. Anderson, 8 Phillimore Terrace, W8 6BJ. Tel 020 7937 5292

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

20th December 2004.

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	7 JAN 2005				PLANNING	
N	C	S.A.	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Dear Sirs

Re: Town and Country Planning Act 1990

Proposed development at 24 Scarsdale Villas, London W8 6PR

Ref: App/KS600/A/04/1166835

I am writing on behalf of the above residents' association which represents residents in the Edwardes Square Scarsdale and Abingdon Conservation Area. We have reason to believe that our earlier letter of objection may have gone astray. If, however, you have received it safely, please disregard this follow-up letter.

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Yours faithfully,

Chairman

For and on behalf of The Edwardes Square Scarsdale and Abingdon Association