



# The Planning Inspectorate

ER

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

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/04/01550  
Our Ref: APP/K5600/A/04/1166835  
APP/K5600/A/04/1167494  
Date: 5 January 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR & MRS LAJAM & MR & MRS A MARRERO  
SITE AT 24 SCARSDALE VILLAS, LONDON, W8 6PR  
SITE AT 22 SCARSDALE VILLAS, LONDON, W8 6PR**

I enclose a copy of the appellant's statement and third party correspondence relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 26 January. 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 this deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours faithfully

*Mr Dave Shorland*

Mr Dave Shorland

211AL(BPR)

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		7 JAN 2005			PLANNING 73	
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HBS			ARE	FPLN	DES	FEES



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*Judith Hewson*

Mr Dave Shorland

211AL(BPR)

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.		6 JAN 2005				PLANNING
K.C.						
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

(27)

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.	6 JAN 2005			PLANNING		
N	C	S.V.	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

24 Scarsdale Villas  
London W8 6PR

08 December 2004

Dear Sir/Madam

**Re: -ODPM's Reference App/K5600/A/04/1167494-**

We are the owners of 24 Scarsdale Villas, London W8. Our planning application for a rear extension, to be carried out together with our adjoining neighbours at no. 22, has been refused. The reasons for the refusal were given as follows:-

1. "...excessive in terms of bulk and scale.." "... considerable harm to the character and appearance of the surrounding conservation area.."

With regard to the above reason, we would like to state that our home is one of a pair of south-south-east facing semi-detached properties with off-street parking in the front. Our house has a deeper rear garden (13.9 meters) than those gardens backing onto us; hence, our plot is among the larger ones in this street and in the nearby streets.

Nonetheless, the living space is small relative to the plot size and to that of our neighbouring properties. All the surrounding houses (except our adjoining neighbours in no. 22 who are jointly applying with us) have larger rear extensions in both bulk and scale compared with our proposed extensions. A comparative example are the two houses at no. 20 and no. 26 which tower above and overshadow in bulk, scale and height more than the others, and they will remain so should we be granted our planning application. In view of this, our proposed extensions will not, and cannot, affect the amenity to light nor enjoyment neither will we be any more intrusive to all our surrounding neighbours. In fact, without our rear extensions, our houses are out of character and appearance with the neighbouring extended houses. We strongly believe therefore that our applied for extensions would enhance, rather than "harm", in terms of both aesthetics and the rear building lines.

These houses are family homes. The original accommodation already does not meet ours and our two children's needs for modern day living. This will be much less as it stands for it will not allow for my recently widowed mother to spend the very much more time she needs to be with us. We are truly at a loss to understand how a comparably modest rear extension (not in general public view), to enable a quiet traditional family to live in today times as is enjoyed by its neighbours who have been granted larger extensions, can have a considerable harmful impact on the character and appearance of the surrounding conservation area.

.../cont'd

24 Scarsdale Villas  
London W8 6PR

The Planning Inspectorate

08 December 2004

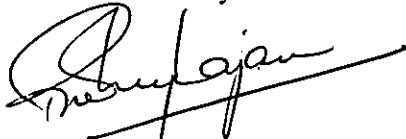
**ODPM'S Reference: App/K5600/A/04/1167494**

2. “.. sense of enclosure and loss of light..”

These issues do not arise as our adjoining neighbours in no. 22 have jointly applied for the extensions and we have agreed to carry out the works at the same time. Our adjoining neighbours and we have expended much time and effort to ensure a scheme that also will not affect the other surrounding properties on these issues.

The reasons for refusal as put forward do not apply to our proposed extensions and we look forward to a favourable decision for our application.

Yours faithfully



Mr and Mrs Lajam

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		6 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
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Hornton Street  
London  
W8 7NX

Your Ref: PP/04/01549/CHSE  
Our Ref: APP/K5600/A/04/1167494  
Date: 5 January 2005

Dear Madam

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

I enclose a copy of the appellant's statement relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than 26 January. You should comment solely on the representations enclosed with this letter.

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pp *Judith Hewson*

Mr Dave Shorland

211AL(BPR)

EX DIR	HDC	TP	DC	AD	CLU	AO AK
R.B. K.C.		6 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Mr. & Mrs. Antonio Marrero  
22 Scarsdale Villas  
Kensington, W8 6PR  
Phone: (020) 7937 5271

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

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.	6 JAN 2005				PLANNING	
N	C	SW	SE	APP	IO	REC
HBS			ARB	FPLN	DES	FEES

Re: App k 5600/A/04/1166835

8 December 2004

Dear Sir/Madam,

We are writing with regards to our request for permission for a rear extension of our property, 22 Scarsdale Villas. One of the most important reasons why we are keen on this extension is that the current size of the house is somewhat short of our evolving family requirements. With three teenage children and elderly parents coming to stay, space is becoming increasingly important to us. It would seem unfair to stop us improving our property whilst the neighbouring houses have been permitted to effect such changes. Unfortunately, permission has hitherto been denied. In this letter, we will outline our understanding of the reasons given for the refusal and explain why we feel these reasons are not justified.

Essentially there were two reasons given for the refusal. The extension, it was argued, would:

- 1) Be "... excessive in terms of bulk and scale..." and would cause "harm to the character and appearance of the surrounding conservation area. . ."
- 2) Raise concerns about the enclosure and loss of light to our neighbour No. 24.

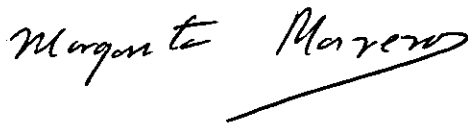
With regards to the first point, given that our property is one of the least extended in the area the proposed extension would result in a lesser total bulk than the neighbouring properties. As such, the claim that it is 'excessive' implies that the other properties, which enjoy greater extensions than we propose, must be excessive as well. Furthermore, the rear extension would not be taking away any light or encroaching into the neighbours' houses. In fact, we could argue that if anything, the extension proposed will improve the rear building line of the block as a whole by approaching it to that of the surrounding properties which at present stick out on each side of our rear wall and create a towering effect on our house.

The argument that it would harm the character of the surrounding area also seems unfounded. First, the vast majority of properties in the area, and in particular our block, have already benefited from significant extensions. Thus an extension of houses 22 and 24 would only serve to harmonize the existing architecture. Additionally, as our property has a larger garden than those backing onto us, yet the house itself is smaller, an extension would balance the outward appearance.

The second reason for refusal is not applicable in this case, as numbers 22 and 24 propose exactly the same extension: it would not block the light to No. 24 because the latter would extend by the same amount. Moreover, since the extension would be the same there would be no difference between the two properties: continuity and harmony would be ensured. Furthermore, as the proposed construction would take place simultaneously, there would be no additional disturbance to the neighbours. This has been negotiated and arranged specifically with a view to minimizing any inconvenience our neighbours may experience.

Thank you for considering our position. We look forward to hearing from you.

Yours sincerely,

A handwritten signature in cursive script, reading "Margareta Marrero". The signature is written in dark ink and is positioned above the printed name.

Mr. & Mrs. Marrero

Appeal.

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

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.		K.C.		13 DEC 2004		
N	C	SW	SE	AW	NO	REC
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10-12-4

(124)

Dear Mr French

Please find enclosed my note to Mr Shortland concerning the appeal for N<sup>o</sup> 22 & 24 Scarsdale Villas.

I hope you can encourage them to come & view on site as we already have, to a better & lesser amount, a similar alteration visible at N<sup>o</sup> 28 Scarsdale Villas (very clearly seen from my garden window)  
I am opposite 22 & 24



you'd all be my  
welcome to have  
a good view -

Thank you for your help

Yours faithfully  
Markien't

---

10-12-4

Dear Mr Shorland

This note is about the  
my previous letters to you  
concerning 28 Heals:

{ 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 will  
show house and face  
directly N°22 & E4 Score-  
date Viller (see above  
ref. Nos)

You would clearly be  
able to compare the pro-

posed job with an  
alteration done at N°28  
Scarsdale Viller many  
many years ago -  
as it is, 28 Scarsdale

Viller's alteration has  
awards roof as  
to reduce the brick effect  
and the whole thing is  
much shallower than  
the proposed one for 22 & 24.

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 letter -  
Yours faithfully

Maureen L

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 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,

M. L. MAHIEU

D'ARCY ASSOCIATES  
9 LAMINGTON STREET  
LONDON  
W6 0HU

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

EX DIR	HDC	TP	D-C	AD	CLU	AO AK
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**Appellants' Final Comments**  
**22 and 24 Scarsdale Villas, W8**  
(Appeal refs- APP/K5600/A/04/1166835 and 1167494)

1. The Council's Statement dated 20 December 2004 sets out the Council's case against these planning appeals.
2. This paper simply draws some conclusions from the Council's Statement to help the Inspector come to a decision.
3. The Council's suggested conditions are reasonable. However, the appellants are happy for both appeals to be linked and decided as one appeal if the Inspector considers this essential. In this way, this would ensure that they could only be developed together. Alternatively, the Inspector might consider whether a planning condition is the right means of ensuring that they are implemented at the same time. This again would be acceptable to the appellants. As a final alternative, they would also accept a requirement to enter into a Section 106 Agreement which requires joint implementation.
4. The Council's case is based on the effects upon local amenities but primarily it is the visual impact upon the buildings and indeed the Conservation Area.
5. It is noted that the Council's Conservation Area Statement refers to the contribution of the Villas to the street. Of course, the appeal proposals are for works at the rear of the premises and would not be visible from the street.
6. The Council's case is in the abstract rather than real:
  - Full width extensions are generally not favoured
  - They can often appear over dominant
7. The Council has not applied the tests of the policy as set out in the appellants' statements which clearly indicate compliance. It will be for the Inspector to apply these same tests to come to a conclusion on the appeal proposals.

P.M.DAMIEN D'ARCY B.ARCH R.I.B.A.  
VAT REGISTRATION NUMBER 726 2662 32

D'ARCY ASSOCIATES

8. The Council's case also seems strange as they are inventing conservation policies to protect the rear elevation:

'The subsequent conservation area designation places duty on the local planning authority to preserve the still surviving original character and appearance of the area'

This is not our understanding of the conservation policy outlined in PPG15. Conservation policy is not about maintaining the status quo and everything that is original – otherwise nothing would change. The aim instead is to preserve or enhance the character or appearance – 'existing' rather than 'original' – character or appearance in the wider sense.

9. The Council also acknowledges that many of the rear extensions were undertaken before Conservation Area status was achieved, that they are bulky and of a poor design, but still the contribution of the Villas is stressed in the Conservation document. It must follow that the rear elevations play a small part in the overall character and appearance of this part of the Conservation Area. We acknowledge however that this must not create a climate for accepting poor designs.
10. It is clear from the appeal drawings that the proposed extensions would be subordinate to the parent buildings. The justification for this view has been stated previously.
11. It is noted that no issues of residential amenity are raised in the Council's Statement. This should be considered in the context of the number of responses from Third Parties, many of whom have already extended their homes. Notwithstanding this, it should be stated that there is sufficient amenity, given the distances between all of the surrounding properties. Some of the residents must appreciate that this is Kensington in central London. There are no grounds for stating that the proposals breach sunlight or daylight standards. The position of the conservatory is lower than many of the windows on adjacent rear extensions whilst the back-to-back distances are significant.
12. We acknowledge the Council's drawing enclosed with their Statement setting out what they consider acceptable. We are instructed to confirm on a 'Without Prejudice' basis that if the Inspector agrees with the Council on this, then we request that the appeals be allowed minus the ground floor conservatories. The owner of No.24 is undertaking extensive internal works right now and it would be helpful to move on to the next stage without any significant additional delays. The appeal process is already quite protracted.
13. Finally, we note the Council's attempt to produce a drawing superimposing the proposed scheme onto the rear elevations, enclosed with their Statement. This in fact was done on our plan no. 2322/PA1/B. We should say that the Council's drawing is misleading in that the roof on the conservatory brings a light-weight element to the design – something which is missed from the Council's bulk drawings – thus making it more subordinate.

D'ARCY ASSOCIATES  
9 LAMINGTON STREET  
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W6 0HU

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

EX DIR	HDC	TP	CD	AD	CLU	AO AK
R.B. K.C.	26 JAN 2005				PLANNING	
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APP/K5600/A/04/1166835  
Date: 25 January 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEALS BY MR & MRS MARRERO & MR & MRS LAJAM  
SITES AT 22 & 24 SCARSDALE VILLAS, LONDON, W8 6PR**

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

*D Shorland*

Mr Dave Shorland

217L(BPR)

94

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		26 JAN 2005			PLANNING	
N	C	SW	SE	APP	IO	REC
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# Appeal Decisions

Site visit made on 19 April 2005

by Douglas P Machin BSc DipTP MRTPI

an Inspector appointed by the First Secretary of State

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2 The Square  
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Date

05 MAY 2005

Appeal Refs: APP/K5600/A/04/1166835 and 1167494  
24 and 22 Scarsdale Villas, London W8 6PR

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against refusals to grant planning permission.
- The appeals are made by Mr and Mrs Lajam and Mr and Mrs Marrero against the decisions of the Royal Borough of Kensington and Chelsea.
- The application Refs: PP/04/01550 and PP/04/01549, both dated 8 July 2004 were refused by notices dated 3 September 2004.
- The developments proposed are:
  - A rear extension at basement, ground floor and first floor half landing; and new windows to the side elevation at first floor, ground floor and basement level.
  - A rear extension at basement, ground floor and first floor half landing.

## Decisions

1. The appeals are dismissed.

## Reasons

2. The appeal properties are a pair of semi-detached, early Victorian villas that have remained largely unaltered. Their quality is recognised in the Council's Conservation Area Policy Statement. Whilst I accept that the appearance and character of the Conservation Area derives to a large extent from the distinctiveness of the street scene, which would not be affected by these proposals on the rear of the appeal properties, the quality and integrity of whole buildings is also an important consideration, in my view. The main issue therefore in both appeals is whether the proposed developments would be overly dominant and thereby fail to preserve or enhance the appearance and character of the appeal properties and the Edwardes Square, Scarsdale and Abingdon Conservation Area.
3. I do not disagree with the appellants' contention that the Conservation Area designation does not mean that no further alterations or extensions can be permitted. I have also had regard to the extensions to nearby properties referred to by the appellants, some of which the Council has no record of granting planning permission for. Nevertheless, Policies in the Unitary Development Plan aim to raise the quality of development in the Borough and not simply to use previous developments, some of which would probably not be granted permission now, as the benchmark for permitting new proposals.
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significant part of the gardens to the properties, thereby eroding further the limited spaciousness of the area between Scarsdale Villas and Abingdon Gardens.

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7. I have taken account of all the other matters raised. In respect of the objections raised by neighbours on the grounds of reduction in privacy levels and sunlight/daylight, I find no substance in those, and would not have dismissed the appeals for those reasons. Nevertheless, neither these, nor any other matter raised, outweigh the considerations that lead to my decisions.

D. P. Machin.

D P Machin

Inspector



# The Planning Inspectorate

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

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

Direct Line 0117-3728645  
Switchboard 0117-3728000  
Fax No 0117-  
GTN -6112

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/04/01549/CHSE  
Our Ref: APP/K5600/A/04/1167494  
APP/K5600/A/04/1166835  
Date: 29 March 2005

Dear Madam

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

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

Mr Doug MacHin BSc DipTP MRTPI

The Inspector will visit the appeal site at 12:00 on 19 April 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 appeals 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.

EX DIR HDC TP CAC AD CUU AO AK  
R.B. K.C. 30 MAR 2005 PLANNING  
N C SW SE APP IO REC  
HES ARB FPLN DES FEES

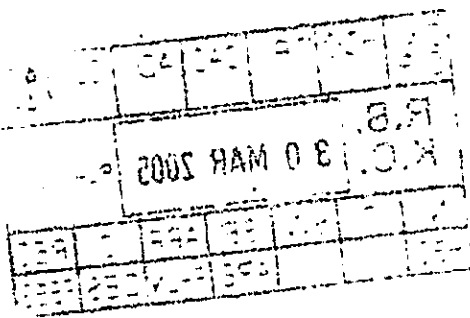
Yours faithfully



 Miss Amy Chlebko

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

209D



**TO: SEE DISTRIBUTION LIST**

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

MY REF(S): RAG/PP/04/01549

YOUR REF:SEE DISTRIBUTION LIST

ODPM's Reference: App/K5600/ A/04/1167494 & A/04/1166835

Associated Reference: PP/04/01550

ROOM NO: 324

EXTN: 2081

**DATE: 10/05/2005**

**TOWN AND COUNTRY PLANNING ACT, 1990**

**APPEAL ..... 22 and 24 Scarsdale Villas, London, W8 6PR**

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 BABINGTON, 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



# Appeal Decisions

Site visit made on 19 April 2005

by Douglas P Machin BSc DipTP 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 5372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

05 MAY 2005

Appeal Refs: APP/K5600/A/04/1166835 and 1167494  
24 and 22 Scarsdale Villas, London W8 6PR

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against refusals to grant planning permission.
- The appeals are made by Mr and Mrs Lajam and Mr and Mrs Marrero against the decisions of the Royal Borough of Kensington and Chelsea.
- The application Refs: PP/04/01550 and PP/04/01549, both dated 8 July 2004 were refused by notices dated 3 September 2004.
- The developments proposed are:
  - A rear extension at basement, ground floor and first floor half landing; and new windows to the side elevation at first floor, ground floor and basement level.
  - A rear extension at basement, ground floor and first floor half landing.

## Decisions

1. The appeals are dismissed.

## Reasons

2. The appeal properties are a pair of semi-detached, early Victorian villas that have remained largely unaltered. Their quality is recognised in the Council's Conservation Area Policy Statement. Whilst I accept that the appearance and character of the Conservation Area derives to a large extent from the distinctiveness of the street scene, which would not be affected by these proposals on the rear of the appeal properties, the quality and integrity of whole buildings is also an important consideration, in my view. The main issue therefore in both appeals is whether the proposed developments would be overly dominant and thereby fail to preserve or enhance the appearance and character of the appeal properties and the Edwardes Square, Scarsdale and Abingdon Conservation Area.
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significant part of the gardens to the properties, thereby eroding further the limited spaciousness of the area between Scarsdale Villas and Abingdon Gardens.

5. These would be retrograde steps, in my view, that would harm the Conservation Area by adding further developments that would take two important, original buildings and their surroundings further away from the characteristics and qualities that led to the Conservation Area designation. The glazed and wood panelled conservatory element of the proposals would be a particularly uncharacteristic and unsympathetic form of development, although I note the appellants' willingness to proceed without this forming part of any planning permission I might have been minded to grant.
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7. I have taken account of all the other matters raised. In respect of the objections raised by neighbours on the grounds of reduction in privacy levels and sunlight/daylight, I find no substance in those, and would not have dismissed the appeals for those reasons. Nevertheless, neither these, nor any other matter raised, outweigh the considerations that lead to my decisions.

D. P. Machin.

D P Machin

Inspector



**TO: SEE DISTRIBUTION LIST**

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

**MY REF(S): RAG/PP/04/01549**

**YOUR REF:SEE DISTRIBUTION LIST**

ODPM's Reference: App/K5600/ A/04/1167494 & A/04/1166835

Associated Reference: PP/04/01550

ROOM NO: 324

EXTN: 2081

**DATE: 10/05/2005**

**TOWN AND COUNTRY PLANNING ACT, 1990**

**APPEAL ..... 22 and 24 Scarsdale Villas, London, W8 6PR**

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  
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# The Planning Inspectorate

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

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

Direct Line 0117-3728715  
Switchboard 0117-3728000  
Fax No 0117-3728181  
GTN 1371-8715

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

Your Ref: PP/04/01550  
Our Ref: APP/K5600/A/04/1166835  
APP/K5600/A/04/1167494  
Date: 5 May 2005

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEALS BY MR & MRS LAJAM AND MR & MRS MARRERO  
SITE AT 24 SCARSDALE VILLAS, LONDON, W8 6PR**

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

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

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

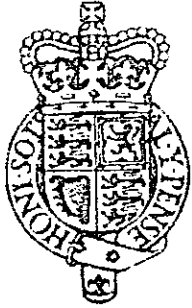
*S. Parker*

Mr Darren Cryer

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R.B. K.C.		- 9 MAY 2005			PLANNING	
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# Appeal Decisions

Site visit made on 19 April 2005

by Douglas P Machin BSc DipTP MRTPI

an Inspector appointed by the First Secretary of State

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

05 MAY 2005

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*D. P. Machin.*

D P Machin

Inspector.



# The Planning Inspectorate

An Executive Agency in the Office of the Deputy Prime  
Minister and the National Assembly for Wales

## Our Complaints Procedures

### **Complaints**

We try hard to ensure that everyone who uses the appeal system is satisfied with the service they receive from us. Planning appeals often raise strong feelings and it is inevitable that there will be at least one party who will be disappointed with the outcome of an appeal. This often leads to a complaint, either about the decision itself or the way in which the appeal was handled.

Sometimes complaints arise due to misunderstandings about how the appeal system works. When this happens we will try to explain things as clearly as possible. Sometimes the appellant, the council or a local resident may have difficulty accepting a decision simply because they disagree with it. Although we cannot re-open an appeal to re-consider its merits or add to what the Inspector has said, we will answer any queries about the decision as fully as we can.

Sometimes a complaint is not one we can deal with (for example, complaints about how the council dealt with another similar application), in which case we will explain why and suggest who may be able to deal with the complaint instead.

### **How we investigate complaints**

Inspectors have no further direct involvement in the case once their decision is issued and it is the job of our Quality Assurance Unit to investigate complaints about decisions or an Inspector's conduct. We appreciate that many of our customers will not be experts on the planning system and for some, it will be their one and only experience of it. We also realise that your opinions are important and may be strongly-held.

We therefore do our best to ensure that all complaints are investigated quickly, thoroughly and impartially, and that we reply in clear, straightforward language, avoiding jargon and complicated legal terms. We aim to give a full reply within three weeks wherever possible. To assist our investigations we may need to ask the Inspector or other staff for comments. This helps us to gain as full a picture as possible so that we are better able to decide whether an error has been made. If this is likely to delay our full reply we will quickly let you know.



INVESTOR IN PEOPLE

### **What we will do if we have made a mistake**

Although we aim to give the best service possible, we know that there will unfortunately be times when things go wrong. If a mistake has been made we will write to you explaining what has happened and offer our apologies. The Inspector concerned will be told that the complaint has been upheld.

We also look to see if lessons can be learned from the mistake, such as whether our procedures can be improved upon. Training may also be given so that similar errors can be avoided in future. Minor slips and errors may be corrected under the terms of the Planning & Compulsory Purchase Act 2004 but we cannot amend or change in any way the substance of an Inspector's decision.

### **Who checks our work?**

The Government has said that 99% of our decisions should be free from error and has set up an independent body called the Advisory Panel on Standards (APOS) to report on our performance. APOS regularly examines the way we deal with complaints and we must satisfy it that our procedures are fair, thorough and prompt.

## Taking it further

If you are not satisfied with the way we have dealt with your complaint you can contact the Parliamentary Commissioner for Administration (often referred to as The Ombudsman), who can investigate complaints of maladministration against Government Departments or their Executive Agencies. If you decide to go to the Ombudsman you must do so through an MP. Again, the Ombudsman cannot change the decision.

## Frequently asked questions

*"Can the decision be reviewed if a mistake has happened?"* – Although we can rectify minor slips, we cannot reconsider the evidence the Inspector took into account or the reasoning in the decision. This can only be done following a successful High Court challenge. The enclosed High Court leaflet explains more about this.

*"If you cannot change a decision, what is the point of complaining?"* – We are keen to learn from our mistakes and try to make sure they do not happen again. Complaints are therefore one way of helping us improve the appeals system.

*"Why did an appeal succeed when local residents were all against it?"* – Local views are important but they are likely to be more persuasive if based on planning reasons, rather than a basic like or dislike of the proposal. Inspectors have to make up their own minds whether these views justify refusing planning permission.

*"How can Inspectors know about local feeling or issues if they don't live in the area?"* – Using Inspectors who do not live locally ensures that they have no personal interest in any local issues or any ties with the council or its policies. However, Inspectors will be aware of local views from the representations people have submitted.

*"I wrote to you with my views, why didn't the Inspector mention this?"* – Inspectors must give reasons for their decision and take into account all views submitted but it is not necessary to list every bit of evidence.

*"Why did my appeal fail when similar appeals nearby succeeded?"* – Although two cases may be similar, there will always be some aspect of a proposal which is unique. Each case must be decided on its own particular merits.

*"I've just lost my appeal, is there anything else I can do to get my permission?"* – Perhaps you could change some aspect of your proposal to increase its acceptability. For example, if the Inspector thought your extension would look out of place, could it be re-designed to be more in keeping with its surroundings? If so, you can submit a revised application to the council. Talking to its planning officer about this might help you explore your options.

*"What can I do if someone is ignoring a planning condition?"* – We cannot intervene as it is the council's responsibility to ensure conditions are complied with. It can investigate and has discretionary powers to take action if a condition is being ignored.

## Further information

Every year we publish a Business and Corporate Plan which sets out our plans for the following years, how much work we expect to deal with and how we plan to meet the targets which Ministers set for us. At the end of each financial year we publish our Annual Report and Accounts, which reports on our performance against these targets and how we have spent the funds the Government gives us for our work. You can view these and obtain further information by visiting our website (see 'Contacting us'). You can also get booklets which give details about the appeal process by telephoning our enquiries number.

You can find the latest Advisory Panel on Standards report either by visiting our website or on the ODPM website: [www.odpm.gov.uk/](http://www.odpm.gov.uk/)

## Contacting us

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

## Website

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

## Enquiries

Phone: 0117 372 6372  
E-mail: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

## Complaints

Phone: 0117 372 8252  
E-mail: [complaints@pins.gsi.gov.uk](mailto:complaints@pins.gsi.gov.uk)

## Cardiff Office

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ  
Phone: 0292 082 3866  
E-mail: [Wales@pins.gsi.gov.uk](mailto:Wales@pins.gsi.gov.uk)

## The Parliamentary Ombudsman

Office of the Parliamentary  
Commissioner for Administration  
Millbank Tower, Millbank  
London SW1P 4QP

Helpline: 0845 0154033  
Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)  
E-mail: [opca-enqu@ombudsman.org.uk](mailto:opca-enqu@ombudsman.org.uk)



# The Planning Inspectorate

An Executive Agency in the Office of the Deputy Prime  
Minister and the National Assembly for Wales

## Challenging the Decision in the High Court

### ***Challenging the decision***

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

### ***Grounds for challenging the decision***

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

### ***Different appeal types***

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

### ***Challenges to planning appeal decisions***

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990. **Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.**

### ***Challenges to enforcement appeal decisions***

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

**Important Note** - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

## Frequently asked questions

**"Who can make a challenge?"** - In planning cases, anyone aggrieved by the decision may do so. This can include third parties as well as appellants and councils. In enforcement cases, a challenge can only be made by the appellant, the council or other people with a legal interest in the land - other aggrieved people must apply promptly for judicial review by the Courts (the Administrative Court can tell you more about how to do this - see Further Information).

**"How much is it likely to cost me?"** - A relatively small administrative charge is made by the Court for processing your challenge (the Administrative Court should be able to give you advice on current fees - see 'Further information'). The legal costs involved in preparing and presenting your case in Court can be considerable though, and if the challenge fails you will usually have to pay our costs as well as your own. However, if the challenge is successful we will normally meet your reasonable legal costs.

**"How long will it take?"** - This can vary considerably. Although many challenges are decided within six months, some can take longer.

**"Do I need to get legal advice?"** - You do not have to be legally represented in Court but it is normal to do so, as you may have to deal with complex points of law made by our own legal representative.

**"Will a successful challenge reverse the decision?"** - Not necessarily. The Court can only require us to reconsider the case and an Inspector may come to the same decision again but for different or expanded reasons.

**"What can I do if my challenge fails?"** - The decision is final. Although it may be possible to take the case to the Court of Appeal, a compelling argument would have to be put to the Court for the judge to grant permission for you to do this.

## Contacting us

High Court Section  
The Planning Inspectorate  
4/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Phone: 0117 372 8962

### Website

[www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

### General Enquiries

Phone: 0117 372 6372

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

### Complaints

Phone: 0117 372 8252

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

### Cardiff Office

The Planning Inspectorate  
Room 1-004  
Cathays Park  
Cardiff CF1 3NQ

Phone: 0292 082 3866

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

### The Parliamentary Ombudsman

Office of the Parliamentary  
Commissioner for Administration  
Millbank Tower, Millbank  
London SW1P 4QP

Helpline: 0845 0154033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

E-mail: [opca-enqu@ombudsman.org.uk](mailto:opca-enqu@ombudsman.org.uk)

## Further information about challenging the decision

Further advice about making a High Court challenge can be obtained from the Administrative Court at the Royal Courts of Justice, Queen's Bench Division, Strand, London WC2 2LL, telephone 0207 9476655; Website: [www.courtservice.gov.uk](http://www.courtservice.gov.uk)

## Inspection of appeal documents

We normally keep appeal files for one year after the decision is issued, after which they are destroyed. You can inspect appeal documents at our Bristol offices by contacting us on our General Enquiries number to make an appointment (see 'Contacting us'). We will then ensure that the file is obtained from our storage facility and is ready for you to view. Alternatively, if visiting Bristol would involve a long or difficult journey it may be more convenient to arrange to view your local planning authority's copy of the file, which should be similar to our own.

## Council on tribunals

If you have any comments on appeal procedures you can contact the Council on Tribunals, 81 Chancery Lane, London WC2A 1BQ. Telephone 020 7855 5200; website: <http://www.council-on-tribunals.gov.uk/>. However, it cannot become involved with the merits of individual appeals or change an appeal decision.



INVESTOR IN PEOPLE



## APPEAL

TO: Paul Kelsey  
DATE RECEIVED: 03/11/2004

FROM: Rebecca Townley  
EXTN: 2081

**APPEAL**  
**CASE OFFICER:** Ms.E. Richards

**APPEAL**  
**ADMIN OFFICER:** *gj*

**OUR REF:**  
PP/04/01549

**ODPM REF:**  
App/K5600/A/04/11 67494

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

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

---

### REASON FOR APPEAL: REF

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN  
REPRESENTATIONS

INFORMAL  
HEARING

PUBLIC  
INQUIRY

---

START DATE OF APPEAL 12<sup>th</sup> NOV 04

3rd PARTY LETTERS DUE: 26<sup>th</sup> NOV 04 SENT: 22/11

QUESTIONNAIRE DUE: 26<sup>th</sup> NOV 04 SENT: 24/11

~~WRITTEN REPS~~ STAT DUE: 24<sup>th</sup> DEC 04 SENT:

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

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

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

FINAL COMMENTS DUE 14<sup>th</sup> Jan '04 SENT:

# APPEALS TIMETABLE

## ADMINISTRATION

Initials

Time  
Hours

Cost  
LAWJ

- ) Notification of appeal to third parties
- ) Pre Statement Inquiry/hearing
- ) Preparation of Statement and Documentation
- ) Notification of appeal decision

## BASE OFFICER

- ) Preparation/
- ) Meeting
  - Legal
  - Counsel
  - Transportation
  - Design
  - Policy
  - BEHO
  - Other Parties

- ) Statement
- ) Public Inquiry/Local Hearing

- Policy
  - Preparation
  - Meetings
  - Statement if applicable

- Design
  - Preparation
  - Meetings
  - Statement if applicable

- Transportation
  - Preparation
  - Meetings
  - Statement if applicable

# PLANNING SERVICES APPLICATION

## CONSULTATION SHEET

### APPLICANT:

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

APPLICATION NO: PP/04/01549

CASE OFFICER: Ms.E. Richards

APPLICATION DATED: 08/07/2004

DATE ACKNOWLEDGED: 12 July 2004

APPLICATION COMPLETE: 09/07/2004

DATE TO BE DECIDED BY: 03/09/2004

SITE: 22 Scarsdale Villas, London, W8 6PR

PROPOSAL: Rear extension at basement, ground floor and 1st floor half landing.

### ADDRESSES TO BE CONSULTED

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

AS PP/04/00314 (re-sub)  
no objection

### 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

✓ 14/7/04 ✓