

PLANNING SERVICES APPLICATION

CONSULTATION SHEET

APPLICANT:

BB Partnership,  
The Trafalgar,  
17 Remington Street,  
London,  
N1 8PH

*CHSE*

APPLICATION NO: PP/00/02797

APPLICATION DATED: 29/11/2000

DATE ACKNOWLEDGED: 7 December 2000

APPLICATION COMPLETE: 05/12/2000

DATE TO BE DECIDED BY: 30/01/2001

SITE: 8 Penzance Place, London, W11 4PA  
PROPOSAL: Extension to roof to provide studio space.

ADDRESSES TO BE CONSULTED

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

*AS TP 98/00932*

*13*

CONSULT STATUTORILY

HBMC Listed Buildings  
 HBMC Setting of Buildings Grade I or II  
 HBMC Demolition in Conservation 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  
 The Environment Agency  
 Thames Water  
 Crossrail  
 LRT/Chelsea-Hackney Line

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  
 Govt Office for London

*CT 29/11/2000*

# DEVELOPMENT CONTROL

## TECHNICAL INFORMATION



ADDRESS 8 Penzance Pl  
8 PENZANCE PLACE

POLLING DISTRICT F.

PP002797

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

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

Within the line of Safeguarding of the proposed Chelsea/Hackney underground line

Within the line of Safeguarding of the proposed Eastwest/Crossrail underground line

Density	
Site Area	
Habitable rooms proposed	
Proposed Density	

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

<b>Daylighting</b>	Complies	
	Infringes	

<b>Car Parking</b>	Spaces required	
	Spaces proposed	

**Notes:**

**MEMORANDUM**

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**TO: FOR FILE USE ONLY**

**From: EXECUTIVE DIRECTOR  
PLANNING & CONSERVATION**

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**My Ref: PP/00/02797/AP**

**CODE A1**

**Room No:**

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**Date: 8 December 2000**

**DEVELOPMENT AT:**

**8 Penzance Place, London, W11 4PA**

**DEVELOPMENT:**

**Extension to roof to provide studio space.**

The above development is to be advertised under:-

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

**M.J. French**

Executive Director, Planning & Conservation

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# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

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FILE COPY  
FILE COPY  
FILE COPY

Switchboard: 020-7937-5464  
2079/2080 Extension:  
Direct Line: 020-7361- 2079/2080  
Facsimile: 020-7361- 3643  
Date: 8 December 2000

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My reference:

Your reference:

Please ask for:

My Ref: DPS/DCN/PP/00/02797/AP

Planning Information Office

Dear Sir/Madam,

## TOWN AND COUNTRY PLANNING ACT 1990

### **Proposed development at: 8 Penzance Place, London, W11 4PA**

Brief details of the proposed development are set out below. Members of the public may inspect copies of the application, the plans and any other documents submitted with it. The Council's Planning Services Committee, in considering the proposal, welcomes comments either for or against the scheme. Anyone who wishes to make representations about the application should write to the Council at the above address **within 21 days** of the date of this letter. Unfortunately, the Council does not have the resources to advise objectors of the Committee date, and you should telephone for further information.

### **Proposal for which permission is sought**

**Extension to roof to provide studio space.**

**Applicant Mr. D. Jackson, 8 Penzance Place, London, W.11**

Yours faithfully,

**M. J. FRENCH**

Executive Director, Planning and Conservation

### WHAT MATTERS CAN BE TAKEN INTO ACCOUNT

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

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

### WHAT MATTERS CANNOT BE TAKEN INTO ACCOUNT

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

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

### WHAT HAPPENS TO YOUR LETTER

Planning applications where objections have been received are presented to the Planning Services Committee which is made up of elected Ward Councillors. Planning Officers write a report to the Committee with a recommendation as to whether the application should be granted or refused. Letters received are summarised in the report, and copies can be seen by Councillors and members of the public including the applicant. The Councillors make the decisions and are not bound by the Planning Officer's recommendation. All meetings of the Committee are open to the public.

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

### WHERE TO SEE THE PLANS

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

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

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

***PLEASE QUOTE THE APPLICATION REFERENCE NUMBER ON YOUR REPLY***

## REASON FOR DELAY

CASE NO. \_\_\_\_\_

This case has been identified as a "Target" application, which has the target for being passed through to the Head of Development Control within 6 weeks of the date of completion.

In the case of this application, there has been a delay of.....

I have been unable to pass through the case within the target period for the following reason(s) *[highlight as necessary]*

- |   |   |
|---|---|
| 1) Delays due to internal Consultation<br><i>[highlight one or all]</i>                   | (i) Design<br>(ii) Transportation<br>(iii) Policy<br>(iv) Environmental Health<br>(v) Trees<br>(vi) Other |
| 2) Further neighbour notification/external consultation necessary (spread or time period) |   |
| 3) Awaiting Direction from English Heritage/other EH delays...                            |   |
| 4) Revisions requested, but not received in time  |   |
| 5) Revisions received but inadequate  |   |
| 6) Revisions received but reconsultation necessary  |   |
| 7) Of the Committee cycle   |   |
| 8) Applicant's instruction  |   |
| 9) OTHER REASON.....  |   |

Signed..... (Case Officer)

① Ach ②

# The Royal Borough of Kensington and Chelsea



## Department of Planning Services

AP

To: M.J. French  
Director of Planning Services

EX DIR	HDC			SW	SE	ENF	AD ACK
5 JAN 2001							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

Dept. 705,  
The Town Hall,  
Hornton Street,  
London, W8 7NX.

5/1/2001

Ref.: DPS/TP/PP/00/02797

Dear Sir,

### TOWN AND COUNTRY PLANNING ACT 1990

Proposal Address <u>8 Penzance Place, W11</u>	Nature of Proposal <u>Extension to roof to provide studio space</u>

I have inspected the planning application and drawing(s) for the above property and have

~~NO OBJECTION~~ / OBJECTION \* \*\*

to the submitted proposal

Comment

This extra storey will substantially alter the elevations of both Penzance Place & Potten Lane, and will form an unacceptable precedent.

The proposal should therefore be REFUSED.

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC			SW	SE	ENF	AD ACK
- 5 JAN 2000							
	IO	REC		FWD PLN	CON DES	FEEES	

Name: Robin M. Rice pp. Northland Concoction Society

Full Address: 5/7 Runcedale Road  
London W11 4PH

Date: 03-01-01 Signed: [Signature]

\* If you wish to object to the proposals, or make any general comments, please give them, in full, in the space above.  
Any additional comments may be set down on the back of this form.  
\*\* Delete where applicable.

## SUGGESTED CONDITIONS

1. The development hereby approved shall be begun before the expiration of five years from the date of this permission

Reason as required by section 91 of the Town and Country Planning act 1990, to avoid the accumulation of unexercised planning permissions

2. The development hereby permitted shall be carried out in exactly and only in accordance with the drawings and other particulars forming part of this permission and there shall be no variation therefrom without the written approval of the local planning authority.

Reason The details are considered to be material to the acceptability of the proposal and to safeguard the amenities of the area.

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 the brickwork face bond and pointing.

Reason To ensure the a satisfactory standard of external appearance.

4 All new external finishes shall be in materials to match those of the exterior of the existing building.

Reason To preserve and enhance the character and appearance of the Conservation Area.



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# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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Mr. Daniel P. Jackson,  
8 Penzance Place,  
LONDON, W11 4PA.

Switchboard: 020 7937 5464  
Extension: 2944  
Direct Line: 020 7361-2944  
Facsimile: 020 7361 3463  
Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)

19 April 2001

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THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

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My reference: EDPC/MJF/PP/  
00/2797

Your reference:

Please ask for: Mr. French

Dear Mr. Jackson,

**8 Penzance Place, W.11.**

I write with reference to your letter of 10 April regarding the recent refusal of planning permission for the erection of studio space on the roof of the above property. As you are aware, the Council having now determined your application, has no legal procedure for reconsideration.

In the circumstances, you could either resubmit seeking to overcome the grounds for refusal, which is probably going to be difficult, or you could appeal to the Planning Inspectorate against the refusal. Details of how to do this were included with the decision letter and any appeal must be lodged within six months of the date of refusal.

Yours sincerely,

M. J. French,  
Executive Director, Planning and Conservation.

**WITHOUT PREJUDICE**

8 Penzance Place  
London W11 4PA

*DI/AP*

*Please advise*

10 April 2001

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

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK		
11 APR 2001							55		
APPLS	IO	REC	ARB	FWD PLN	CON DES	FEES			

Re: PP/00/02797/CHSE; 8 Penzance Place

Dear Mr. Patterson:

I am writing concerning the referenced Refusal of Permission to Develop ("Refusal"). I believe the Refusal is not well founded. In particular, I believe it is not consistent with your prior grant of permission to develop, bearing reference DPS/DCN/TP/98/0932 ("Approval").

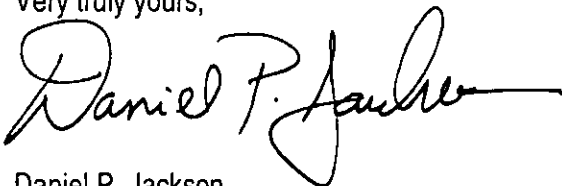
The Approval authorised development that remedied an indentation in the rear wall of the terrace existing at both No. 8 and the adjacent No. 6 Penzance Place. This development enhanced the terrace and the area. This was recognised by the Approval's citation of CDs 52, 53 and 56.

The development addressed by the Refusal has been carefully designed to conform to the rear wall authorised by the Approval. Although not visible from the street, the incremental alteration constitutes a further enhancement to the terrace and the area because it will establish a continuous roofline at No. 8. Currently, this roofline is truncated. This truncation would not be remedied by the development authorised in the Approval.

I believe that the Refusal's citation of CDs 52 and 53, which also were cited in the Approval, clearly indicates the need for reconsideration. I further believe that the concerns raised by the Refusal can be addressed by a better understanding of the proposed development. Indeed, I believe that the relevant guidelines would encourage, rather than merely fail to prohibit, the proposal. At the same time, I am willing to accommodate any reasonable concerns whilst implementing the development, if those concerns can be articulated in a sufficiently concrete manner.

With this in mind, I have asked my architect, Charles Biss, to contact Michael French to see if this matter can be resolved in a non-contentious way.

Very truly yours,



Daniel P. Jackson

Cc: Michael J. French, Executive Director, Planning and Conservation  
Charles Biss, BB Partnership

Mile

8 Peranza Place

The Council granted Planning Permission in 1994 for the erection of a small storehouse on the roof of the premises.

The storehouse was built incorrectly and much larger than approved.

A retrospective Planning application was submitted in 1998 and in 2000 was granted Planning Permission subject to a Section 106 agreement, requiring the rear Permet wall at the property and the adjoining part of No 6 Peranza Place were both raised to ~~the~~ the level of the roofline of the storehouse and ~~to~~  
b) reunite the rear perimet line of the terrace.

In November of this year another application was submitted for a roof addition to provide a studio space.

The proposal was refused as it was contrary to Policy CO38 and would be looked down upon and thus contrary to Policies CO52 + CO53.

Paragraph 4.9 of the Report, (file attached) is very relevant, and basically states that had we the Council not (advised) to the raising of the rear perimet wall, as a solution to his problems ~~the~~ the application for a roof addition would never have been submitted.

*Outwater*  
18 April 2001

# PLANNING APPEAL FORM

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 8939.

Please use a separate form for each appeal

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

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

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

## A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name MR D. JACKSON  
Address 8, PENZANCE PLACE Daytime phone no \_\_\_\_\_  
LONDON Fax no \_\_\_\_\_  
Postcode W11 4 PA E-mail address \_\_\_\_\_

Received 23 JUL 2001 R.B.KAC

Planning Allocation \_\_\_\_\_

## B. AGENT DETAILS (if any)

Name C. R. BISS  
Address BB PARTNERSHIP Your reference CEH  
17, REMINGTON STREET Daytime phone no 0207-336-8555  
ISLINGTON LONDON Fax no 0207-336-8777  
Postcode N1 8 DH E-mail address architect@bbpartnership.co.uk

## C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA R.B. KENSINGTON + CHELSEA LPA's application reference no PP/00/02797  
Date of the planning application 29/11/00 Date of LPA's decision notice (if issued) 25/01/01

**D. APPEAL SITE ADDRESS**

Address 8, PENZANCE PLACE  
LONDON

Postcode W11 4PA

If the whole site can be seen from a road or other public land and there is no need for the Inspector to enter the site e.g. to take measurements or to enter a building, please tick the box.

**E. DESCRIPTION OF THE DEVELOPMENT**

(This must be the same as on the application sent to the LPA, unless minor amendments were agreed with the LPA)

EXTENSION TO ROOF TO PROVIDE STUDIO SPACE

**F. REASON FOR THE APPEAL**

This appeal is against the decision of the LPA to:

Please tick **one** box only

- 1. Refuse planning permission for the development described in Section E.
  - 2. Grant planning permission for the development subject to conditions to which you object.
  - 3. Refuse approval of details required by a previous outline planning permission.
  - 4. Grant approval of details required by a previous outline planning permission subject to conditions to which you object.
  - 5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).
- or**
- 6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval.

## G. CHOICE OF PROCEDURE

### CHOOSE ONE PROCEDURE ONLY

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

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

Please tick **one** box only ✓

#### 1. WRITTEN REPRESENTATIONS

The written procedure involves an exchange of written statements followed by a site visit by the Inspector. The grounds of appeal should make up your full case.

#### 2. HEARING

A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry. Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest;
- involve cross-examination (questioning) of witnesses.

Although you may prefer a hearing, the Inspectorate must consider your appeal suitable for this procedure. Hearings are open to the public.

#### 3. INQUIRY

This is the most formal of the procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and LPA usually have legal representatives. Inquiries are open to members of the public.

An inquiry is held if you or the LPA decide that you cannot rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, you will be given reasons for our decision.

## H. GROUNDS OF APPEAL

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

If you have requested a hearing or an inquiry, please provide a brief outline of your grounds.

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

Please continue on a separate sheet if necessary.

SEE ATTACHED STATEMENT

H. GROUNDS OF APPEAL (continued)



# I. APPEAL SITE OWNERSHIP DETAILS

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

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

## CERTIFICATE A

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

OR

## CERTIFICATE B

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

Owner's name	Address at which the notice was served	Date the notice was served
_____	_____	_____
_____	_____	_____
_____	_____	_____

## CERTIFICATES C and D

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

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

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

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

OR

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

Tenant's name	Address at which the notice was served	Date the notice was served
_____	_____	_____
_____	_____	_____
_____	_____	_____

## J. ESSENTIAL SUPPORTING DOCUMENTS

The documents listed in 1–6 below, **must** be sent with your appeal form; 7–10 must also be sent if appropriate. If we do not receive **all** your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

- |  |                                     |
|--|-------------------------------------|
| 1. A copy of the original <b>planning application</b> sent to the LPA.   | <input checked="" type="checkbox"/> |
| 2. A copy of the <b>site ownership certificate and ownership details</b> submitted to the LPA <u>at application stage</u> (this is usually part of the LPA's planning application form). | <input checked="" type="checkbox"/> |
| 3. A copy of the <b>LPA's decision notice</b> (if issued).   | <input checked="" type="checkbox"/> |
| 4. A <b>plan showing the site outlined in red</b> , including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map).  | <input checked="" type="checkbox"/> |
| 5. Copies of all <b>plans, drawings and documents</b> sent to the LPA as part of the application.  | <input checked="" type="checkbox"/> |
| 6. Any <b>additional plans, drawings and documents</b> sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes).                  | <input type="checkbox"/>            |

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

- |  |                          |
|--|--------------------------|
| 7. <b>Additional plans or drawings</b> relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here: | <input type="checkbox"/> |
|--|--------------------------|

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- |   |                                     |
|---|-------------------------------------|
| 8. Any relevant <b>correspondence</b> with the LPA.   | <input checked="" type="checkbox"/> |
| 9. If the appeal is against the LPA's refusal or failure to grant permission for 'details' imposed on a grant of outline permission, please enclose:          |                                     |
| (a) the relevant outline application;   | <input type="checkbox"/>            |
| (b) all plans sent at outline application stage;  | <input type="checkbox"/>            |
| (c) the original outline planning permission;   | <input type="checkbox"/>            |
| 10. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | <input type="checkbox"/>            |
| 11. If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.             | <input type="checkbox"/>            |

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

**K. PLEASE SIGN BELOW**

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

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

Signature Charles Biss (on behalf of) D. JACKSON  
Name (in capitals) C. R. BISS Date 20/7/01

The Planning Inspectorate is registered under the Data Protection Act to hold personal data supplied by you.

**NOW SEND:**

● **1 COPY to us at:**

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

We do not currently accept  
appeals by e-mail or fax.

● **1 COPY to the LPA**

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

● **1 COPY for you to keep**

When we receive your appeal form, we will:

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

**YOU MUST KEEP TO THE TIMETABLE**

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

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

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

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St Clements House  
2-16 Colegate  
Norwich NR3 1BQ

TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF  
PLANNING &  
CONSERVATION

MY REF(S): HD/PP/00/2797

YOUR REF:  
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 3852

DATE: 12/11/07

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL 8 PENZANCE PLACE W11

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 B. PHELPS, CO-CHAIRMAN, PLANNING SERVICES COMMITTEE
- COUNCILLOR T. AHERN, CO-CHAIRMAN, PLANNING SERVICES COMMITTEE
- COUNCILLOR SIR ADRIAN FITZGERALD (CHURCH WARD ONLY)
- COUNCILLOR R. HORTON
- COUNCILLOR I. DONALDSON
- TOWN CLERK & CHIEF EXECUTIVE ..... S. MODRIC RM: 253
- DIRECTOR OF LEGAL SERVICES..... L. PARKER RM: 315
- LEGAL ASSISTANT (ENFORCEMENT ONLY).. H. VIECHWEG RM: 315
- LAND CHARGES..... M. IRELAND RM: 306
- COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29
- TRANSPORTATION.....B.MOUNT RM: 230
- 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.PEACH



# 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

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

Your Ref:

Our Ref:

APP/K5600/A/01/1069916

Date:

9 November 2001

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR D JACKSON  
SITE AT 8 PENZANCE PL, LONDON, LONDON, W11 4PA**

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

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

Mr Dave Shorland

COVERDL1

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB KJC		1 2 NOV 2001			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEEs

40



# Appeal Decision

Site visit made on 30 October 2001

by **Robert Forster** BA DipLD

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

9 NOV 2001

Appeal Ref: APP/K5600/A/01/1069916

8 Penzance Place, London, W11 4PA

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D. Jackson against the decision of The Council of The Royal Borough of Kensington & Chelsea.
- The application (Ref.PP/00/02797), dated 29/11/2000, was refused by notice dated 25/01/2001.
- The development proposed is extension to roof to provide studio space.

**Summary of Decision: The appeal is dismissed.**

## Main Issues

1. From all that I have read of the appeal, and from my visit to the appeal building and its surroundings I have formed the view that the main issue is the visual effect of the proposal on the character and appearance of its surroundings.

## Planning Policy

2. The Kensington and Chelsea UDP was adopted in 1995. The subject of roof alterations and additional storeys is addressed in the Conservation and Development chapter of the Plan. Policy CD38 seeks to resist such alterations even on terraces broken only by isolated roof additions.
3. Policy CD39 would permit additional storeys and roof level alterations where the character of a terrace or group of properties has been severely compromised by a variety of roof extensions and where in-filling between them would help re-unite the group.
4. Policy CD52 seeks to ensure that any development in a conservation area preserves or enhances the character or appearance of the area.

## Reasons

5. The terrace in which the appeal building stands already has a number of isolated additions to the roof, of the kind referred to under CD38, yet the terrace retains a reasonable degree of integrity. The rhythm of the alternating chimney stacks and lower roof level, demonstrated so well by nos. 82 - 100 Portland Road is still evident in the short terrace of 2 - 12 Penzance Place, albeit in a less refined version. Rather than helping to "re-unite the group", the proposed studio would fill-in completely one of the remaining voids that allow the roof top rhythm to be expressed.
6. Because of the raised parapet wall, the existing stair-housing cannot be seen from street level, and neither would the proposal be seen. It would however be visible from the upper

6. Because of the raised parapet wall, the existing stair-housing cannot be seen from street level, and neither would the proposal be seen. It would however be visible from the upper floors and roofs of several nearby properties. Some of these appear to have roof top terraces or patios where people might be expected to spend time in good weather and from which the appeal structure would be evident. Whereas normally the view enjoyed by an individual cannot be regarded as part of the public interest, there comes a point where there is a sufficient number of private views obtainable for some element of public interest to apply. This is such a case in my view.
7. The appearance of the structure at the rear of the property would be innocuous enough, being the horizontal extension of the slate cladding of the stair-housing in the form of a Mansard roof. At the front however, the structure would have the appearance of a light, glass pavilion, and would be much more prominent above the parapet. Such a structure would not appear sympathetic to the existing character of the building and particularly to the scale and positioning of its fenestration. For those able to see it, it would appear as another isolated addition to the roof-scape, detracting from its pattern and rhythm and neither preserving nor enhancing its character or appearance.

### Conclusions

8. The proposed structure would not be visible from the street, but would be visible from surrounding dwellings, and because of its form, and its effect upon the roof-top rhythm of chimney stack and void, would detract considerably from the character of the conservation area.
9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

### Formal Decision

10. In exercise of the powers transferred to me, I dismiss the appeal.

### Information

11. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

*Robert Foster*

Inspector

# The Planning Inspectorate

## RIGHT TO CHALLENGE THE DECISION

The attached appeal decision is final unless it is successfully challenged in the Courts. If a challenge is successful, the appeal decision will be quashed and the case returned to the Secretary of State for redetermination. It does not follow necessarily that the original decision on the appeal will be reversed when it is redetermined.

*You may wish to consider taking legal advice before embarking on a challenge. The following notes are provided for guidance only.*

Under the provision of section 288 of the Town and Country Planning Act 1990, or section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a person who is aggrieved by a decision may seek to have it quashed by making an application to the High Court on the grounds:

1. that the decision is not within the powers of the Act; or
2. that any of the 'relevant requirements' have not been complied with; ('relevant requirements' means any requirements of the 1990 Acts or of the Tribunals & Inquiries Act 1992, or of any order, regulation or rule made under those Acts).

The two grounds noted above mean in effect that a decision cannot be challenged merely because someone does not agree with the Inspector's judgement. Those challenging a decision have to be able to show that a serious mistake was made by the Inspector when reaching his or her decision; or, for instance, that the inquiry, hearing or site visit was not handled correctly, or that the appeal procedures were not carried out properly. If a mistake has been made the Court has discretion not to quash the decision if it considers the interests of the person making the challenge have not been prejudiced.

*It is important to note that such an application to the High Court must be lodged with the Crown Office within 6 weeks from the date of the decision. This time limit cannot be extended.*

An appellant whose appeal has been allowed by an Inspector should note that 'a person aggrieved' may include third parties as well as the local planning authority.

If you require further advice about making a High Court challenge you should consult a solicitor, or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London WC2 2LL. Telephone: 020 794 76000.

## INSPECTION OF DOCUMENTS

It is our policy to retain case files for a period of one year from the date of the Inspector's decision. Any person entitled to be notified of the decision in an inquiry case has a legal right to apply to inspect the listed documents, photographs and



plans within 6 weeks of the date of the decision. Other requests to see the appeal documents will not normally be refused. All requests should be made quoting our appeal reference and stating the day on which you wish to visit, to:

Room 4/09 Kite Wing,  
Temple Quay House, 2 The Square,  
Temple Quay,  
Bristol BS1 6PN

Please give at least 3 working days notice and include a daytime telephone number, if possible.

## COMPLAINTS TO THE INSPECTORATE

Any complaints about the Inspector's decision, or about the way in which the Inspector has conducted the case, or any procedural aspect of the appeal should be made in writing and quoting our appeal reference, to:

The Complaints Officer,  
Quality Assurance Unit,  
Room 4/09 Kite Wing,  
Temple Quay House, 2 The Square,  
Temple Quay, Bristol BS1 6PN.

You should normally receive a reply within 15 days of our receipt of your letter. You should note however, we cannot reconsider an appeal on which a decision has been issued. This can be done following a successful High Court challenge as explained overleaf.

## PARLIAMENTARY COMMISSIONER FOR ADMINISTRATION (THE OMBUDSMAN)

If you consider that you have been unfairly treated through maladministration by us you can ask the Ombudsman to investigate. The Ombudsman cannot be approached direct; reference can be made to him only by an MP. While this does not have to be your local MP (whose name and address will be in the local library) in most cases he or she will be the easiest person to approach. Although the Ombudsman can recommend various forms of redress he cannot alter the Inspector's decision in any way.

## COUNCIL ON TRIBUNALS

If you feel there was something wrong with the basic procedure used for the appeal, a complaint can be made to the 'Council on Tribunals', 22 Kingsway, London WC2B 6LE. The Council will take the matter up if they think it comes within their scope. They are not concerned with the merits and cannot change the outcome of the appeal decision.

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**PLANNING AND CONSERVATION**

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THE TOWN HALL HORNTON STREET LONDON W8 7NX

*Executive Director* M. FRENCH ERICS Dip TP MRTPL Cert TS

---

Department of Transport,  
Local Government and the Regions,  
3/07 KiteWing,  
Temple Quay House,  
2 The Square, Temple Quay,  
Bristol, BS1 6PN

Switchboard: 020-7937-5464  
Direct Line: 020-7361-3651  
Extension: 3651  
Facsimilie: 020-7361-3463

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**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

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Date: 30 August 2001

My Ref: DPS/DCN/PP/00/02797/AP  
DETR's Reference: App/K5600/A/01/1069916

Please ask for: Mrs. P. Abdelrahman

Dear Sir/Madam,  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**Appeal relating to: 8 Penzance Place, London, W11 4PA**

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

Yours faithfully

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

Enc.

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**PLANNING AND CONSERVATION**

---

**THE ROYAL  
BOROUGH OF**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---



**KENSINGTON  
AND CHELSEA**

---

Department of the Environment,  
Transport and the Regions,  
3/07 KiteWing,  
Temple Quay House,  
2 The Square, Temple Quay,  
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-3651

Extension: 3651

Facsimilie: 020-7361-3463

Date: 02 August 2001

My Ref: DPS/DCN/PP/00/02797/AP  
DETR's Reference: App/K5600/A/01/1069916

Please ask for: Mrs. P. Abdelrahman

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 8 Penzance Place, London, W11 4PA**

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.

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**PLANNING AND CONSERVATION**

---

THE TOWN HALL HORNTON STREET LONDON W8 7NX

---

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

BB Partnership,  
The Trafalgar,  
17 Remington Street,  
London,  
N1 8DH

Switchboard: 020-7937-5464  
Direct Line: 020-7361- 3651  
Extension: 3651  
Facsimile: 020-7361-3463



**KENSINGTON  
AND CHELSEA**

---

Date: 02 August 2001

---

My Ref: DPS/DCN/PP/00/02797/AP

DETR's Reference: App/K5600/A/01/1069916

Please ask for: Mr.A. Paterson

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 8 Penzance Place, London, W11 4PA**

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.

---

**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**

---

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**ERROR IN DATA ENTRY  
FILE COPY  
FILE COPY  
FILE COPY****Switchboard: 020-7937-5464  
Direct Line: 020-7361-3651  
Extension: 3651  
Facsimilie: 020-7361-3463****Date: 02 August 2001**

---

**My Ref: DPS/DCN/PP/00/02797****DETR's Reference: App/K5600/A/01/1069916****Please ask for: Mr.A. Paterson****Dear Sir/Madam,****TOWN AND COUNTRY PLANNING ACT 1990****Notice of a Planning Appeal relating to: 8 Penzance Place, London, W11 4PA**

A Planning Appeal has been made by Mr. D. Jackson to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for: Extension to roof to provide studio space.. 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 send 3 copies and quote the DETR's reference given above. **The Inspectorate must receive your representations by 04/09/2001 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 04/09/2001). 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 04/09/2001 (**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

## 07.00 CONCLUSIONS

07.01 The test of whether or not a roof structure to this property is harmful to the Conservation Area has been whether or not it can be seen from the street level. The proposed will not at any point be visible from a public place (as demonstrated by the existing roof structure).

07.02 The proposed development would have no impact on the Conservation Area. It causes no harm to either it or any of the surrounding buildings. The proposal has no materially adverse effect upon features of acknowledged importance within the Conservation Area.

Indeed, the rear walls which are visible from Pottery Lane have been severely altered over the years and they are no longer in their original form. It is possible to see at least two additional roof structures from Pottery Lane and the rear to No 10 is no longer recognisable as Victorian terrace house. The features of acknowledged importance have, in part, already been lost.

07.03 A full width roof structure is aesthetically and historically more appropriate than a half width roof structure.

07.04 The size, bulk, location, design, construction and use of materials will be as existing and are all established by the existing consented roof structure.

07.05 There is no loss of amenity to any of the adjoining properties. The proposed will prevent any overlooking from the consented roof terrace into the other private rear gardens of the terrace and it is argued that the proposed may well improve the amenity of the neighbours to the rear.

07.06 The concept of a slate clad rear mansard roof structure is a widely accepted and appropriate form of adding to Victorian houses in London. Indeed the building on the corner of Penzance Place and Pottery Lane has such a mansard roof which is clearly visible from the road (see photographs).

07.07 There are no planning policies within the RBKC Unitary Development Plan or Government guidance which specifically state that proposals such as this are not acceptable.

07.08 There is no dramatic change of circumstance from one side of the property to the other, such that a rear roof structure is allowable towards No 6 Penzance Place but not towards No 10 Penzance Place.

The circumstances for extending the roof structure to full width have been created by the consent which was granted to raise the back wall of the house by the full width of the house. Since the proposed roof structure obeys the criteria which are set by the existing consented structure, it will not only be equally invisible from the street but also will be equally of no harm to the Conservation Area.

07.09 Accordingly we request that this appeal be allowed.

## **NOTICE OF A PLANNING APPEAL**

### **Reasons for Refusal**

The proposed roof addition is considered by virtue of its size, bulk, design and location to be detrimental to the character and appearance of the property, the terrace it is located within and the Conservation Area, and therefore is contrary to the Council's Policies which seek to maintain and enhance the character and appearance of the Borough and its Conservation Areas, as stated in the Council's Unitary Development Plan, in particular Policies CD38, CD39, CD52 and CD53.

### **Property**

8 Penzance Place, London, W11 4PA

### **Proposal**

Extension to roof to provide studio space.

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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)

---

PLEASE RETURN ASAP.

NEW APPEAL

DATE: 25.7.01

TO: DEREK TAYLOR / PAUL KELSEY  
ROY THOMPSON / BRUCE COEY

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

8 PENZANCE PLACE  
W11

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

AP

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

- ◆ WRITTEN REPRESENTATIONS
- ◆ HEARING
- ◆ PUBLIC INQUIRY

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

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

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

THANK YOU



**APPEAL NOTIFICATIONS**

Re: 8 PENZANCE PLACE W11.

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

WARD COUNCILLORS: Notland

1. Councillor Ernest P. Tomlin
2. 43 Wallingford Avenue W10 6PZ
3. Councillor Richard Walker-Arnott  
27 Anstock Rd W10 6LU

KENSINGTON SOCIETY (Ms Susie Symes, 19 Denbigh Terrace,  
London W11 2QJ)

CHELSEA SOCIETY (Mr Hugh Krall, 51 Milman's Street,  
London SW10 0DA)

RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

- 1.
- 2.
- 3.

ALL 3<sup>RD</sup> PARTIES ORIGINALLY NOTIFIED

ALL OBJECTORS/SUPPORTERS

STATUTORY BODIES ORIGINALLY NOTIFIED

ENGLISH HERITAGE

OTHERS:.....

OUR REF: CEHVAPP01\cb  
YOUR REF:

20<sup>th</sup> July 2001

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

Dear Sirs

**PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990  
8 PENZANCE PLACE, LONDON, W11.**

We enclose on behalf of our client, Mr D. Jackson, our appeal against the decision by The Royal Borough of Kensington and Chelsea to refuse Planning Consent in respect of proposed works to the above property.

We confirm that, by a copy of this letter and enclosures, these documents are being sent direct to The Royal Borough of Kensington and Chelsea.

We have suggested the use of written representations in respect of the appeal and trust this approach can be adopted.

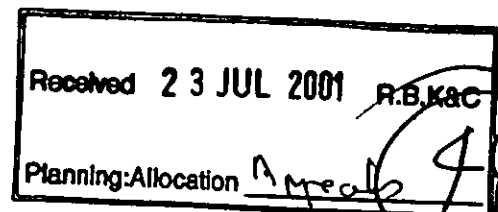
Please do not hesitate to contact us if you have any questions on this matter. In the meantime, we look forward to receiving you formal acknowledgement of receipt.

Yours faithfully,



Charles R Biss.  
For and on behalf of  
BB Partnership

Copy to:  
Royal Borough of Kensington and Chelsea.  
Mr. D Jackson.





# 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

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

Your Ref:

Our Ref:

APP/K5600/A/01/1069916

Date:

24 July 2001

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MR D JACKSON  
SITE AT 8 PENZANCE PL, LONDON, LONDON, W11 4PA

Received 24 JUL 2001 R.B.K.B.C

2

Planning Allocation

APP

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

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

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

You must submit the following documents within this timetable:

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

You must notify any statutory parties and interested persons who were consulted at application stage and those who made comments that the appeal has been made. You should tell them that: -

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

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

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

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

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

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

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. In most cases the visit will be arranged within 12 weeks of the **starting date**.

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

Planning obligations - Section 106 agreements

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

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

Yours faithfully

Mr D Shorland

102(BPR)

STATEMENT DUE 4/9

APPEAL

TO: ~~PPA~~ DT.

FROM: PA/HD

DATE RECEIVED: 23.7.01

EXTN: 2081

APPEAL CASE OFFICER: AP

APPEAL ADMIN OFFICER: NORTH

OUR REF: PP/00/2797

DETR REF: A101/1069916

ADDRESS: 8 PENZANCE PLACE

W11

REASON FOR APPEAL: REF

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN REPRESENTATIONS

INFORMAL HEARING

PUBLIC INQUIRY

START DATE OF APPEAL: 24.7.01

3<sup>RD</sup> PARTY LETTERS DUE: 7.8 SENT: 2.8

QUESTIONNAIRE DUE: 7.8 SENT: 3.8

RULE 6/8 DUE: — SENT: —

STATEMENT DUE/DATE OF PROOF EXCHANGE:

4.9

SENT:

30/8

## SUGGESTED CONDITIONS

1. The development hereby approved shall be begun before the expiration of five years from the date of this permission

Reason as required by section 91 of the Town and Country Planning act 1990, to avoid the accumulation of unexercised planning permissions

2. The development hereby permitted shall be carried out in exactly and only in accordance with the drawings and other particulars forming part of this permission and there shall be no variation therefrom without the written approval of the local planning authority.

Reason The details are considered to be material to the acceptability of the proposal and to safeguard the amenities of the area.

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 the brickwork face bond and pointing.

Reason To ensure the a satisfactory standard of external appearance.

4 All new external finishes shall be in materials to match those of the exterior of the existing building.

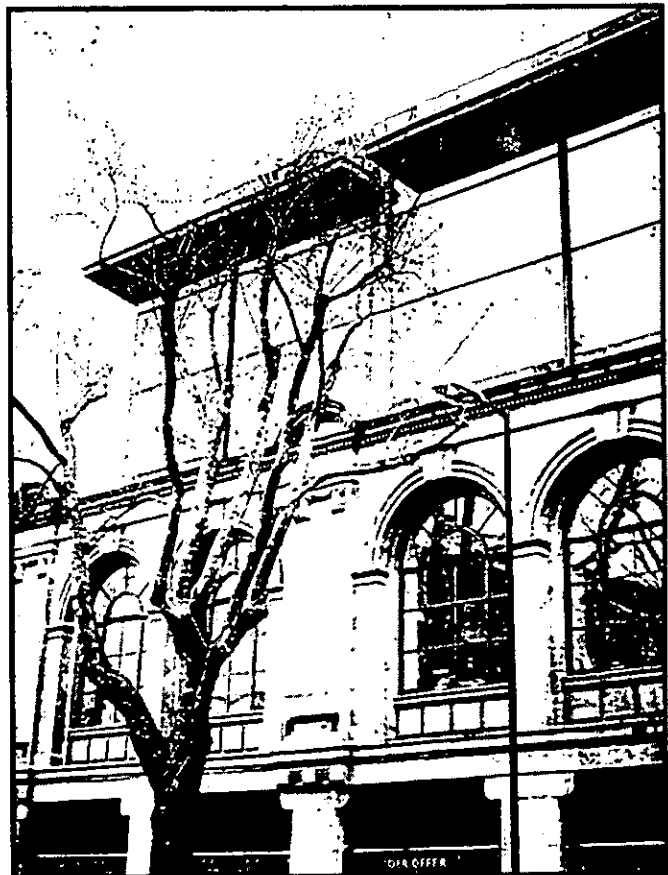
Reason To preserve and enhance the character and appearance of the Conservation Area.

## **LIST OF DOCUMENTS**

- 1) Planning application dated 29th November 2000
- 2) Planning Refusal dated 25<sup>th</sup> January 2001.
- 3) Report presented to the Councils Planning Services Committees Members Panel dated 24<sup>th</sup> January 2001..
- 4) Planning permission dated 17<sup>th</sup> August 1999.
- 5) Report presented to The Councils Planning Services Committee dated 26<sup>th</sup> January 2000
- 6) Conservation and Development chapter of the Unitary Development Plan.
- 7) The Council's preferred conditions if approval is given by the Inspector.
- 8) The Norland Conservation Area Proposals Statement.



# CONSERVATION AND DEVELOPMENT



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# GENERAL POLICIES

## Part I Policies and Reasoned Justifications

- i. London's physical environment is diverse. Some areas are run down or heavily congested and in desperate need of improvement. At the other extreme, London boasts some of the finest buildings and urban landscapes in the world. The quality of London's physical environment is of great importance to people living in the Capital. It is also important in determining London's overall image as a city attractive to residents, visitors and investors.
- ii. The importance of protecting and enhancing the overall quality of the environment is emphasised by both Regional Guidance for the South East (RPG9) and Strategic Guidance for London (RPG3). The Royal Borough's unique residential character is a major contributor to London's diversity and vitality. A large part of the Borough derives its character and townscape from its heritage of eighteenth, nineteenth and early twentieth century buildings. The Council has designated 35 conservation areas, some centred on the major estates and on the many garden squares. Encompassing 70% of the Borough, these conservation areas vary in character and their appeal often depends on subtle aspects of the local scene. The Borough also contains some 3,800 buildings which are listed for their special architectural or historic interest. The Council considers that this special character should be protected and that all new development should contribute to the enhancement of Kensington and Chelsea's environmental quality.
- iii. Areas of distinctive architectural character and historic interest such as the strategically important view of St Paul's Cathedral must be protected from obtrusive development (RPG3 paragraph 70). The Proposals Map identifies those parts of the Borough to be protected under this policy.
- iv. The special character and amenity of the River Thames is one of London's greatest assets. It is also an important wildlife habitat. Therefore, any development proposals on or near the River must be considered with this in mind whilst ensuring that the integrity of the River flood defences is maintained.
- v. The Council is concerned that people with special mobility needs are not prevented from using services or buildings to which the public have access, because of building design or location.
- vi. As an historically rich city, London has a variety of archaeologically significant areas. Such areas are particularly sensitive to new developments. Therefore proposals likely to have an impact on such sites must take this into account.
- vii. In order to contribute to London's overall environmental quality, the Council proposes the following strategic policies:

**STRAT 5**

TO SEEK TO ENSURE THAT ALL DEVELOPMENT PRESERVES OR ENHANCES THE RESIDENTIAL CHARACTER OF THE ROYAL BOROUGH.

**STRAT 6**

TO PROTECT LISTED BUILDINGS AND TO PRESERVE OR ENHANCE THE CHARACTER OR APPEARANCE OF CONSERVATION AREAS, AREAS OF METROPOLITAN IMPORTANCE, AREAS OF LOCAL CHARACTER, AND OTHER BUILDINGS OR PLACES OF INTEREST.

**STRAT 7**

TO PROMOTE HIGH ENVIRONMENTAL AND ARCHITECTURAL DESIGN STANDARDS IN NEW DEVELOPMENTS AND ALTERATIONS AND IN ADDITIONS TO EXISTING BUILDINGS.

**STRAT 8**

TO PROTECT LONDON'S SKYLINE AND STRATEGIC VIEWS, PARTICULARLY THE STRATEGIC VIEW OF ST PAUL'S CATHEDRAL FROM KING HENRY'S MOUND.

**STRAT 9**

TO PROTECT THE RIVER THAMES AND ITS SETTING, TO ENHANCE ITS CHARACTER AND AMENITY AND ENSURE THAT THE INTEGRITY OF THE RIVER'S FLOOD DEFENCES IS MAINTAINED.

**STRAT 10**

TO HAVE REGARD FOR NATURE CONSERVATION AND THE PROTECTION OF THE NATURAL HABITAT AND WILDLIFE ENVIRONMENT IN THE CONSIDERATION OF ALL PROPOSALS.

**STRAT 11**

TO ENSURE THAT PEOPLE WITH SPECIAL MOBILITY NEEDS HAVE EQUALITY OF PHYSICAL ACCESS THROUGHOUT THE BOROUGH.

**STRAT 12**

TO PROTECT ANCIENT MONUMENTS AND SITES OF ARCHAEOLOGICAL INTEREST.