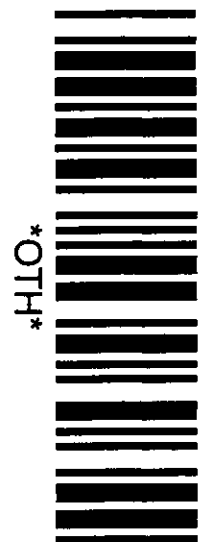


**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

OTHER



OTH

APPEAL

TO: DT

FROM: RAG

DATE RECEIVED: 13-9-02

EXTN: 2081

APPEAL

CASE OFFICER: SG.

APPEAL

ADMIN OFFICER: JR.

OUR REF: PP102/73

DTLR REF: A102/1099355

ADDRESS: 41 A PORTLAND ROAD

W11

REASON FOR APPEAL: Ref.

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN

REPRESENTATIONS



INFORMAL

HEARING



PUBLIC

INQUIRY



START DATE OF APPEAL: 27th September 2002

3RD PARTY LETTERS DUE: 11th Oct SENT: 8th Oct.

QUESTIONNAIRE DUE: 11th Oct SENT: 8th Oct.

WRITTEN REPS STAT DUE: 8th NOV SENT: 6/11.

~~INFORMAL HEARING STAT DUE:~~ SENT:

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

~~PROOF EXCHANGE DUE:~~ SENT:

PLANNING SERVICES APPLICATION

CONSULTATION SHEET

APPLICANT:

Sedley Place,
68 Venn Street,
London
SW4 0AX

APPLICATION NO: PP/02/00073

APPLICATION DATED: 05/11/2001

DATE ACKNOWLEDGED: 14 January 2002

APPLICATION COMPLETE: 10/01/2002

DATE TO BE DECIDED BY: 07/03/2002

SITE: 41A, Portland Road, London, W11 4LH

PROPOSAL: Extension to rear between first and second floors to provide new bathroom.

ADDRESSES TO BE CONSULTED

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

AS PP/01/2103 (re-submission)

— incl any objections

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 ...
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 ...

yr.
15/1
X
15.
✓
yr.
15/1.

APPEALS TIMETABLE

ADMINISTRATION

Initials

Time
Hours

Cost
LAWJ

- (1) Notification of appeal to third parties
- (2) Pre Statement Inquiry/hearing
- (3) Preparation of Statement and Documentation
- (4) Notification of appeal decision

CASE OFFICER

- (1) Preparation /
- (2) Meeting

Legal
Counsel
Transportation
Design
Policy
BEHO
Other Parties

- (3) Statement
- (4) Public Inquiry/Local Hearing

Policy

Preparation
Meetings
Statement if applicable

Design

Preparation
Meetings
Statement if applicable

Transportation

Preparation
Meetings
Statement if applicable

DEVELOPMENT CONTROL

TECHNICAL INFORMATION

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

ADDRESS

41A Portland Road

41 A PORTLAND ROAD

POLLING DISTRICT

F

HB Buildings of Architectural Interest
 AMI Areas of Metropolitan Importance
 MDO Major Sites with Development Opportunities
 MOL Metropolitan Open Land
 SBA Small Business Area
 PSC Principal Shopping Centre (Core or Non-core)

LSC Local Shopping Centre
 AI Sites of Archeological Importance
 SV Designated View of St. Paul's from Richmond
 SNCI Sites of Nature Conservation Importance
 REG 7 Restricted size and use of Estate Agent Boards
 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
2								✓	C	N					✓

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	

Daylighting	Complies	
	Infringes	

Car Parking	Spaces Required	
	Spaces Proposed	

Notes:

41A PORTLAND ROAD

Property Card N° : 0887 058 00

Sitename :
Comment :
TP Arch/History : HISTORY
See Also :

PP020073

Xref :
Notes :

TP No **TP/96/0757** Brief Description of Proposal 1 of 6

**REPLACEMENT OF EXISTING VALLEY ROOF WITH FLAT TERRACE ROOF;
BUILDING UP OF REAR PARAPET IN BRICKWORK AND ERECTION OF A NEW
DOOR HATCH.**

Received 25/03/1996	Decision & Date		Appeal
Completd 01/04/1996	Refused	16/08/1996	Lodged
Revised 17/06/1996			Y

TP No **TP/96/0758** Brief Description of Proposal 2 of 6

PARTIAL DEMOLITION OF THE EXISTING ROOF.

CONSERVATION AREA CONSENT

Received 25/03/1996	Decision & Date		Appeal
Completd 01/04/1996	Refused	16/08/1996	Lodged
Revised 17/07/1996			Y

TP No **TP/96/0759** Brief Description of Proposal 3 of 6

**REPLACEMENT OF EXISTING VALLEY ROOF WITH A FLAT TERRACE ROOF;
BUILDING UP OF REAR PARAPET IN BRICKWORK AND ERECTION OF NEW
DOOR HATCH.**

Received 25/03/1996	Decision & Date	
Completd 01/04/1996	Refused	16/08/1996
Revised 17/07/1996		

TP No **TP/96/0760** Brief Description of Proposal 4 of 6

PARTIAL DEMOLITION OF THE EXISTING ROOF.

CONSERVATION AREA CONSENT

Received 26/03/1996	Decision & Date	
Completd 01/04/1996	Refused	16/08/1996
Revised 17/07/1996	CAC	

41A PORTLAND ROAD

Property Card N° : 0887 058 00

Sitename :
Comment :
TP Arch/History : HISTORY
See Also :

PP020073

Xref :
Notes :

TP No TP/96/0757 Brief Description of Proposal 5 of 6

T&CP ACT 1990 SECTION 78 & SCHEDULE 6.
APPEAL AGAINST REFUSAL OF PP DATED 16.8.96.

APPEAL ALLOWED

Received	Decision & Date	
Completd	Conditional	07/07/1997
Revised		

TP No PP/01/2103 Brief Description of Proposal 6 of 6

ERECTION OF AN EXTENSION TO REAR BETWEEN FIRST AND SECOND
FLOORS TO PROVIDE NEW BATHROOM AND ERECTION OF A GLASS
ENCLOSURE AT ROOF LEVEL. (DOLPHIN HOUSE)

Received 11/05/2001	Decision & Date	
Completd 14/09/2001	Refused	24/10/2001
Revised		

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

MEMORANDUM

TO: FOR FILE USE ONLY

**From: EXECUTIVE DIRECTOR
PLANNING & CONSERVATION**

My Ref: PP/02/00073/SG

CODE A1

Room No:

Date: 15 January 2002

DEVELOPMENT AT:

41A, Portland Road, London, W11 4LH

DEVELOPMENT:

Extension to rear between first and second floors to provide new bathroom.

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

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

File Copy

1 2079/ 2080

020-7361- 2079/ 2080

Switchboard: 020-7937-5464

Extension:

Direct Line:

Facsimile:

020-7361-3463

My reference:

Your reference:

Please ask for: Date: 15 January 2002

My Ref: DPS/DCN/PP/02/00073/SG

Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 41A, Portland Road, London, W11 4LH

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 rear between first and second floors to provide new bathroom.

Applicant Mr. R. Jameson, Dolphin House, 41A Portland Road, Holland Park, London W11

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

In the case of this application, there has been a delay, **beyond 8 weeks**,

of.....

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

- 1) Delay in arranging initial Site Visit [*a date for this should be fixed up in the first week after you receive the case!*]
- 2) Delays due to internal Consultation [*highlight as many as necessary*]
 - (i) Design – Discussions/initial Obs.
 - (ii) Design – Formal Obs.
 - (iii) Transportation
 - (iv) Policy
 - (v) Environmental Health
 - (vi) Trees
 - (vii) Other
- 3) Further neighbour notification/external consultation necessary (*spread or time period – please specify*)
- 4) Revisions not requested in time
Remember – Request all revisions by end of fourth week to stand reasonable chance of renotifying and determining case within 8 weeks !
- 5) Revisions requested in time, but not received in time
- 6) Revisions received but inadequate – further revisions requested
- 7) Revisions received but reconsultation necessary
- 8) Awaiting Direction from English Heritage/other EH delays...
- 9) Because of the Committee cycle
- 10) Applicant's instruction
- 11) OTHER REASON *Please state*].....

Signed..... (Case Officer)

THE ROYAL
BOROUGH OF

NOTICE OF A PLANNING APPLICATION

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



KENSINGTON
AND CHELSEA

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

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

Details are set out below.

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

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

For applications in the Chelsea area: The Reference Library, Chelsea Old Town Hall, Tel. 0171-361-4158.

For postal areas W10, W11 and W2: The 1st floor, North Kensington Library, 108 Ladbroke Grove, W11, Tel. 0171-727-6583.

Anyone who wishes to make representations about this application should write to the Executive Director of Planning and Conservation at the Town Hall (Dept. 705) within 21 days of the date of this notice.

SCHEDULE

Reference: PP/02/00073/SG

Date: 18/01/2002

41A, Portland Road, London, W11 4LH

Extension to rear between first and second floors to provide new bathroom.

APPLICANT Mr. R. Jameson,

Front railings
SG 18/1.



RBKC
District Plan Observations
CONSERVATION AND DESIGN

Address 41A Portland Rd.	Appl. No. DP/02/73/SG	L.B. -	C.A. 3	N.C.S. ✓
Description Rear 2nd floor extension	Code			

→ This house may not be part of uniform terrace, but is already further back. Consequently to allow extension but what there is currently no precedent along the terrace would itself set a dangerous precedent.

→ Also would create height or flank elevation that would be detrimental to the streets character of Portney Lane.

JA.

22-11-02

ae

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
MEMORANDUM - SECTION 101 - LOCAL GOVERNMENT ACT, 1972**

To: Chief Administrative Officer (Planning)
From: The Executive Director, Planning & Conservation

Date: 25 February 2002
Our Ref: PP/02/00073

Application Date: 05/11/2001 Complete Date: 10/01/2002

Revised Date:

Agent: Sedley Place, 68 Venn Street, London SW4 0AX
Address: 41A, Portland Road, London, W11 4LH

This application is for a class of development to be determined under powers delegated to me by the Council on 18th July, 2001 and is not a major, controversial or sensitive application nor one which a Ward Councillor has asked to be considered by Planning Services Committee.

Class - 8th Schedule development

Class - Listed building consent for above Classes.

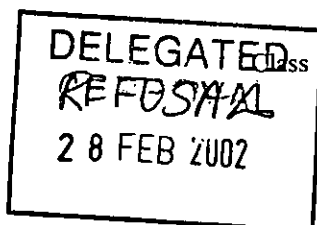
Class - shop fronts

Class - Conservation area consent

Class - conversion from non
s/c dwellings etc

Class - approval of facing materials

Class - amendments as required
by T.P. Committee



Class - grant of planning permission for a change
from one kind of non-residential use to
another non-residential use except where this
would involve the loss of a shop in a

Principal

core shopping frontage.

Class - grant or refuse certificates of
Lawful development
under

Class - grant permission license or no objection

Class - Crossover under S.108 of the
Highways Act 1980

Sections 73, 74, 138, 143, 152, 153, 177 &
180 of the Highways Act

Consent under T&CP Control of Advertisement Regulations 1984-90; incl. refusal of consent for Reg. 15 applications.

DESCRIPTION OF PROPOSED DEVELOPMENT

Erection of an extension to the rear between first and second floors to provide new bathroom.

RECOMMENDED DECISION Refuse planning permission

RBK&C drawing(s) No. PP/02/00073 Applicant's drawing(s) No. RJ01/1/010 and RJ01/1/011.

Number of Objections - 0

I hereby determine and refuse this application under the powers delegated to me by the Council, subject to the condition(s) indicated below imposed for the reason(s) appearing thereunder, or for the reasons stated.

Exec. Director, Planning and Conservation

Head of Development Control

Area Planning Officer

28/2/02

28/2/02

27/2/2

REASONS FOR REFUSAL

1. **The proposed rear extension which would project beyond the general rear building line, by reason of its height would cause harm to the appearance of the building, the adjoining terrace, and the Conservation Area in which it is situated. On this basis, it would be contrary to the Council's policies as contained within the "Conservation and Development" Chapter of the Unitary Development Plan, in particular Policies CD25, CD41, CD52 and CD53.**

INFORMATIVES

1. You are advised that a number of relevant policies of the Unitary Development Plan and proposed alterations thereto were used in the determination of this case, in particular, Policies CD25, CD28, CD30, CD30a, CD41, CD52 and CD53. (I51)

1.0 THE SITE

- 1.1 The application relates to a three storey property located on the western side of the Portland Road with the junction of Pottery Lane. The building is located at the end of the terrace and adjoins the Prince of Wales public house.
- 1.2 The property is located within the Norland Conservation Area. It is not a listed building. It is a single family dwelling house.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the erection of a rear extension at second floor level.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on appeal in 1997 for the replacement of the existing valley roof with a flat roof terrace, building up the rear parapet and erection of new door hatch.
- 3.2 Planning permission was refused on 24th October 2001 for the erection of an extension to the rear between first and second floor to provide new bathroom and the erection of a glass enclosure. There were two reasons for refusal. The first reason related to the rear extension which was considered to be harmful to the appearance of the building, terrace and conservation area by reason of its height, design and glazed roof. The second reason for refusal related to the roof structure which was refused on the grounds that, by reason of its projection above the parapet, design and amount of glazing, it would be harmful to the character and appearance of the building, terrace and conservation area.
- 3.3 This application has omitted the proposal for the roof structure and has reduced the height of the proposed extension by omitting the glazed 45 degrees pitched roof.

4.0 PLANNING CONSIDERATIONS

- 4.1 The relevant policies for consideration of the Council's Unitary Development Plan include CD25, CD28, CD30, CD30a, CD41, CD52 and CD53.
- 4.2 The property has an existing two storey extension which abuts the neighbouring public house. It is proposed to extend this existing rear extension at second floor landing level. The extension would be constructed in brick to match the existing building.
- 4.3 The property is an addition to the terrace and it is set back from the general building line. The other properties in the terrace do not have extensions at this level. Policy CD41 states that rear extensions will normally be resisted if the

extension would rise above the height of neighbouring and nearby extensions. This proposed extension would rise above the height of neighbouring extensions, contrary to Policy CD41.

- 4.4 Since the existing building is set back from the general building line, it already dominates the terrace and it is considered that an addition at this level would be detrimental to the appearance of the terrace. The proposed extension would be clearly visible from the street and it is considered that this increase in height and bulk on the flank elevation of the building would be detrimental to the mews character of Pottery Lane. It is considered that the proposed extension would be harmful to the appearance of the building and the rest of the terrace, contrary to CD41. It is considered that it would cause harm to the character and appearance of the conservation area, contrary to Policy CD52 and CD53.
- 4.7 It is not considered that the proposed extension will cause any significant harm to the amenity of the neighbouring properties. The extension is set away from the boundary with no. 41 Portland Road and will not result in any loss of light or increased sense of enclosure to occupiers of this property. There will be some marginal increase in the sense of enclosure to the occupiers of the property to the rear (no. 12 and 13 Princedale Road). There will be some marginal increase in overlooking to neighbouring gardens resulting from the proposed window in the side elevation of the rear extension, but this is not considered to be significant as the gardens are already overlooked by other properties. The proposal is therefore considered to comply with policy CD28 and CD30.

5.0 PUBLIC CONSULTATION

- 5.1 Fifteen letters sent to neighbouring properties. No response received to date.

6.0 RECOMMENDATION


- 6.1 Refuse Planning Permission

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of file PP/02/00073 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: SG

Report Approved By: 

Date Report Approved: 28/2/02

SEDLEY PLACE
68 VENN STREET, LONDON SW4 0AX
TELEPHONE 020-7627 5777
FAX 020-7627 5859 ISDN 020-7627 0260

FILE COPY

OUR REF: RJ01/1/L09

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

2nd August, 2002

Dear Sir or Madam,

Re: Planning Appeal - 41a Portland Road, London W11 4LH

Please find enclosed all relevant enclosures relating to the appeal against the Royal Borough of Kensington and Chelsea planning refusal ref: PP/02/00073/CHSE.

Yours faithfully,



Paul Hughes

SEDLEY PLACE
68 VENN STREET, LONDON SW4 0AX
TELEPHONE 020-7627 5777
FAX 020-7627 5859 ISDN 020-7627 0260

OUR REF: RJ01/1/L10

David Shorland
Room 307, Kite Wing
The Planning Inspectorate
Customer Support Unit
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

COPY

6th September, 2002

Dear Mr Shorland,

Re: Planning Appeal - 41a Portland Road, London W11 4LH

Please find enclosed, herewith, one complete copy of the appeal package of information sent on 2nd August 2002, as discussed on the telephone this morning.

The application that was refused permission was the second application made by ourselves for the property, and we felt that every effort was made to address all the reasons for refusal noted on the first application. As a result we feel very strongly that our appeal is worthwhile.

If the Royal Borough of Kensington and Chelsea confirm that they also did not receive a copy of the appeal, I will endeavour to investigate from our end to determine whether other mail posted on the same day reached its final destination.

I would be grateful if our appeal could be considered to prevent a repeat application and an unnecessary addition to the workload of all involved.

Yours sincerely,



Paul Hughes

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.		13 SEP 2002				PLANNING
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

36

NEW APPEAL

DATE: 2-10-02

TO: DEREK TAYLOR

/ PAUL KELSEY

JOHN THORNE

/ BRUCE COEY

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

41A PORTLAND ROAD, WU

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

SG

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



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 R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor, The Town Hall
Hornton Street
LONDON
W8 7NX

Your Ref:

Our Ref:

Date: 16 September 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
SITE AT 41a PORTLAND ROAD, W11 4LH

Please find enclosed a copy of my letter to Paul Hughes who says he submitted an appeal in August, which I did not receive.

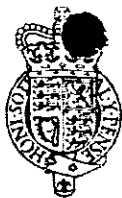
Yours faithfully

Mr Dave Shorland

211B(BPR)

X	HDC	TP	CAC	AD	CLU	AO
IR						AK
R.B.	17 SEP 2002				PLANNING	
K.C.						
H	C	SW	SE	APP	IO	REC
				ARB	FPLN	DES FEES

(34)



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

Mr P Hughes
Sedley place
68 Venn Street
LONDON
SW4 0AX

Your Ref: RJ01/L10

Our Ref:

Date: 16 September 2002

COPY

Dear Sir

TOWN & COUNTRY PLANNING ACT 1990
SITE AT 41a PORTLAND ROAD, W11 4LH

I refer to our telephone conversation and to the appeal form and accompanying letter I received on 13 September 2002.

I can confirm that the local planning authority also did not receive their copy of the appeal documents. I have consulted my senior officer and he has asked me to ask you to investigate whether other mail posted that day reached its destination. Please let me know the outcome of the investigation within 7 days of the date of this letter so that we can decide whether to accept the appeal.

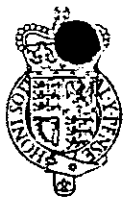
A copy of this letter goes to the Royal Borough of Kensington and Chelsea Council for their information.

Yours faithfully

DS

Mr Dave Shorland

211B(BPR)



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 R Gill (Dept Of Planning & Conservation)
Kensington And Chelsea RLB
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref:

PP/02/00073/CHSE

DIR	DC	TP	CAC	AD	CLU
R.B.	30 SEP 2002				Date
K.C.					PLANNING
APPEALS					

Our Ref: APP/K5600/A/02/1099355

27 September 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR R JAMESON
SITE AT 41A PORTLAND RD, LONDON, LONDON, W11 4LH

I refer to the appeal form and accompanying documents for this site. We have decided to accept the agent's explanation that the documents were originally submitted on 2 August 2002 but not received by the Inspectorate. The current documents are, therefore, duplicates of those previously submitted.

Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number, which is shown, at the top of this letter.

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

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

The following documents must be submitted within this timetable:

Within 2 weeks from the starting date -

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

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

- iii) if they want to receive a copy of the appeal decision they must write to me asking for one.

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

Within 6 weeks from the starting date -

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000*. 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. Our aim is to arrange the visit within 12 weeks of the **starting date**, but from time to time it may take us a little longer.

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

Planning obligations - Section 106 agreements

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

If you intend to rely on an obligation, you must submit a completed, signed and dated copy **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

D Shorland

Mr Dave Shorland

102(BPR)

FILE COPY

The Planning Inspectorate

Further information about us and the planning appeal system is available on our website www.planning-inspectorate.gov.uk

For official use only
Date received

PLANNING APPEAL FORM

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

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 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 RICHARD JAMESON

Address 41A PORTLAND ROAD

Daytime phone no (020) 7751-1800

LONDON

Fax no (020) 7071-1017

Postcode W11 4LH

E-mail address richard.jameson@darcywww.co.uk

B. AGENT DETAILS FOR THE APPEAL (if any)

Name SEDLEY PLACE

Address 68 VENN STREET

Your reference RJ01/1

LONDON

Daytime phone no (020) 627-5777

Fax no (020) 627-5859

Postcode SW4 0AX

E-mail address paulh@sedley-place.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA ROYAL BOROUGH OF KENSINGTON
& CHISWICK

LPA's application reference no PP/02/00073/CHSE

Date of the planning application 04:12:01

Date of LPA's decision notice (if issued) 01:03:02

D. APPEAL SITE ADDRESS

Address 41A PORTLAND ROAD

LONDON

Postcode W11 4LH

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)

PROPOSED EXTENSION TO REAR BETWEEN FIRST AND SECOND FLOORS TO
PROVIDE NEW BATHROOM.

Size of the whole appeal site (in hectares)

0.0064

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

4.6m²

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.

THE PROPOSALS INCORPORATED WITHIN THE APPLICATION TO WHICH THIS APPEAL RELATES ARE THE RESULT OF A PREVIOUS REJECTED APPLICATION AND WE ARE OF THE OPINION THAT ALL THE ISSUES RAISED IN THE INITIAL APPLICATION WERE SUITABLY ADDRESSED.

THE PROPOSED DESIGN IS OF A SCALE AND HEIGHT COMPATIBLE TO THE EXISTING BUILDING AND MATERIALS SELECTED TO MATCH (SECOND-HAND STOCK BRICKWORK, STONE COPINGS).

THE PROPOSED EXTENSION COMPRISES OF ONE ADDITIONAL STOREY ADDED TO THE EXISTING REAR ADDITION AND DOES NOT EXTEND ANY BUILDING LINES IN ANY DIRECTION ON PLAN.

THE PROPOSALS DO NOT CAUSE A REDUCTION OF AMENITY SPACE. PRESENTLY THE PROPERTY HAS A LARGE ROOF GARDEN AND THE SMALL, ENCLOSED REAR YARD AT GROUND LEVEL WOULD BE UNAFFECTED.

AN EXTENSION TO THE REAR ADDITION OF ONE STOREY WOULD STILL REMAIN VISUALLY SUBORDINATE TO THE EXISTING PROPERTY AND MORE COMPATIBLE IN HEIGHT.

THE PROPOSALS WOULD NOT MAKE THE SUNLIGHT AND DAYLIGHT REACHING NEIGHBOURING PROPERTIES AND GARDENS SIGNIFICANTLY WORSE AND THERE WOULD BE NO OVERLOOKING OF NEIGHBOURING PROPERTIES BECAUSE THE ONE ADDITIONAL WINDOW WOULD HAVE OBSCURED GLASS.

THE PROPERTY, THOUGH JOINED TO THE TERRACE IN PORTLAND ROAD, IS A LATTER ADDITION. IT HAS DIFFERENT FLOOR LEVELS, IS ALMOST A STOREY LOWER, IS STAGGERED ON PLAN FROM THE TERRACE AND THE REAR WALL RUNS AT A DIFFERENT ANGLE FROM THAT OF THE TERRACE LESSENING THE IMPACT OF THE ADDITION AND HENCE, NO EXISTING RHYTHM IS BROKEN.

H. GROUNDS OF APPEAL (continued)

BECAUSE OF THE INDIVIDUALITY OF THE PROPERTY AT N° 41a THE ADDITION OF ANOTHER STOREY ON THE EXISTING REAR ADDITION WOULD NOT SET A PRECEDENT FOR OTHER PROPERTIES IN THE TERRACE.

FINALLY, WE FEEL THAT OUR PROPOSALS DO NOT IN ANY WAY COMPROMISE THE CHARACTER OF THE CONSERVATION AREA IN WHICH IT IS PART.

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 **planning application** sent to the LPA. ☒
2. A copy of the **site ownership certificate and ownership details** submitted to the LPA **at application stage** (this is usually part of the LPA's planning application form). ☒
3. A copy of the **LPA's decision notice** (if issued). ☒
4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map). ☒
5. A list and copies of all **plans, drawings and documents** sent to the LPA as part of the application. ☒
6. A list and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes). ☒

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

7. **Additional plans or drawings** relating to the application but not previously seen by the LPA. ☐
Please number them clearly and list the numbers here:

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

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

K. PLEASE SIGN BELOW

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

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

Signature PAVL HUGHES PP SEDLEY PLACE

(on behalf of) MR. R. JAMESON

Name (in capitals) PAVL HUGHES

Date 2ND AUGUST 2002

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration (Reg No: E311018) under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our Website under "Privacy Statement" and in the booklet accompanying this appeal form.

NOW SEND:

• 1 COPY to us at:

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

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 sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

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

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

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

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Norwich NR3 1BQ

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

OUR REF: PP/02/73

APPEAL REF: APP K5600/A/02/1099355

GRID REF:

APPEAL BY: MR R JAMESON

SITE: 41A PORTLAND ROAD, W11

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, within 2 weeks from the 'starting date' given in our letter. You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1. Do you agree to the written representations procedure?

☒ YES ☐ NO

OR Do you wish to be heard by an Inspector at: a. a local inquiry?

YES ☒ NO

or b. a hearing?

YES ☒ NO

2. If the written procedure is agreed, could the Inspector make an unaccompanied site visit?

YES ☒ NO

(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)

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

YES ☒ NO

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

☒ YES ☐ NO / NA

5. Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?

☒ YES ☐ NO

6. Is the appeal site within an approved Green Belt or AONB?

Please specify which

YES ☒ NO

7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, please attach details.)

YES ☒ NO

8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?
If YES, please attach details and, where necessary, give our reference numbers.

YES ☒ NO

b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.

YES ☒ NO

9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)

☒ YES ☐ NO

10. Does the appeal relate to an application for conservation area consent?

YES ☒ NO

11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?

YES ☒ NO
~~Grade I / II* / II~~

b. Would the proposed development affect the setting of a listed building?

YES ☒ NO

If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)

12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

YES ☒ NO

13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?

YES ☒ NO

b. If YES, was English Heritage consulted? Please attach a copy of any comments.

~~YES / NO~~

14.a. Is the appeal site in or adjacent to or likely to affect an SSSI?
If YES, please attach the comments of English Nature.

YES ☒ NO

b. Are any protected species likely to be affected by the proposals?
If YES, please give details.

YES ☒ NO

15. Copies of the following documents must, if appropriate, be enclosed with this questionnaire:

a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.

YES / ☒ NO

~~Sch 1~~ Sch 2 col 1

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

YES / ☒ NO

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

YES / ☒ NO

d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;

Number of Documents Enclosed

N/A

e. Any representations received as a result of an Article 7 (or Regulation 6) notice;

f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;

1

g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);

h. Details of any other applications or matters you are currently considering relating to the same site;

i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. *Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan.*
EXTRACTS FROM UDP CHAPTERS 1-4 ADOPTED MAY 2002

j. Any supplementary planning guidance, together with its status, that you consider necessary. EXTRACTS FROM CONS. AREA PROPOSAL STATEMENT

k. Any other relevant information or correspondence you consider we should be aware of.

NOT CONSIDERED IF APPROPRIATE YET.

16. a. What is the date you told those you notified about the appeal that we must receive any further comments by?

8th Nov '02

8th Nov '02.

b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

i) representations received from interested parties about the original application

ii) the planning officer's report to ~~committee / member panel~~

iii) any relevant committee minute

Number of Documents Enclosed

N/A

✓

✓

✓

DELEGATED

17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY

Do you intend to send another statement about this appeal?

If NO, please send the following information:-

YES / NO

a. In non-determination cases:

i) what the decision notice would have said;

ii) how the relevant development plan policies relate to the issues of this appeal.

b. In all cases:

i) the relevant planning history;

ii) any supplementary reasons for the decision on the application;

iii) matters which you want our Inspector to note at the site visit.

18. THE MAYOR OF LONDON CASES ONLY

a. Was it necessary to notify the Mayor of London about the application?

If YES, please attach a copy of that notification

YES / NO

b. Did the Mayor of London issue a direction to refuse planning permission

If YES, please attach a copy of that direction.

YES / NO

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

Signature:  on behalf of RBK & C Council

Date sent to us and the appellant _____

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

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St Clements House
2-16 Colgate
Norwich NR3 1BQ

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

File Copy

Direct Line: 020-7361-2096

Extension: 2096

Facsimilie:

Switchboard: 020-7937-5464

020-7361-3463

Date: 08 October 2002

My Ref: DPS/DCN/PP/02/00073

ODPM's Reference: App/K5600/A/02/1099355

Please ask for: Ms.S. Gentry

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 41A, Portland Road, London, W11 4LH

A Planning Appeal has been made by Mr. R. Jameson, to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for: Erection of an extension to the rear between first and second floors to provide new bathroom.. 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 ODPM's reference given above. **The Inspectorate must receive your representations by 08/11/02 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 08/11/02). 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 08/11/02 (**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

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Sedley Place,
68 Venn Street,
London
SW4 0AX

Switchboard: 020-7937-5464
Direct Line: 020-7361- 2096
Extension: 2096
Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 08 October 2002

My Ref: DPS/DCN/PP/02/00073/SG

ODPM's Reference: App/K5600/A/02/1099355 Please ask for: Ms.S. Gentry

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 41A, Portland Road, London, W11 4LH

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

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

Switchboard: 020-7937-5464

Direct Line: 020-7361-2081

Extension: 2081

Facsimilie: 020-7361-3463

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

Date: 08 October 2002

My Ref: DPS/DCN/PP/02/00073/SG
ODPM's Reference: App/K5600/A/02/1099355

Please ask for: Rebecca Gill

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 41A, Portland Road, London, W11 4LH

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.

APPEAL NOTIFICATIONS

Re: 41 A PORTLAND ROAD, 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: (Norland).

1. Cllr David Lindsay ✓
2. Cllr Ernest P. Tomlin ✓
3. Cllr Richard Walker-Arnott, DL ✓

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

☐ CHELSEA SOCIETY (Mr Terence Bendixson, 39 Elm Park Gardens,
London SW10 9QF)

☐ RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

1.

2.

3.

Total -

Ykx

(19)

☒ ALL 3RD PARTIES ORIGINALLY NOTIFIED

☐ ALL OBJECTORS/SUPPORTERS

☐ STATUTORY BODIES ORIGINALLY NOTIFIED

☐ ENGLISH HERITAGE

☐ OTHERS:.....

TO: SEE DISTRIBUTION LIST

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

MY REF(S): RAG/PP/02/073/SG

YOUR REF:
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 2081

DATE: ...21 February 2003...

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL41A Portland Road, 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 TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE
COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE
COUNCILLOR IAN DONALDSON
COUNCILLOR RIMA HORTON
COUNCILLOR BARRY PHELPS, CABINET MEMBER FOR PLANNING POLICY
TOWN CLERK & CHIEF EXECUTIVE C.CAMPBELL RM: 253
DIRECTOR OF LAW AND ADMINISTRATION...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. STAPLETON



The Planning Inspectorate

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

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

Your Ref: PP/02/00073/CHSE
Our Ref: APP/K5600/A/02/1099355
Date: 19 February 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR R JAMESON
SITE AT 41A PORTLAND RD, LONDON, LONDON, W11 4LH

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

Yours faithfully

PP Thomas Campbell

Mr Dave Shorland

COVERDL1

Gr

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		ARB		FPLN DEC FEES		



Appeal Decision

Site visit made on 20 January 2003

by **Leslie Coop BA(Hons) DipTP MRTPI**

an Inspector appointed by the First Secretary of State

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

19 FEB 2003

Appeal Ref: APP/K5600/A/02/1099355

Dolphin House, 41A Portland Road, Holland Park, London

- 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 R Jameson against the decision of The Royal Borough of Kensington and Chelsea Borough Council.
- The application ref: PP/02/00073, dated 11 May 2001, was refused by notice dated 1 March 2002.
- The development proposed is an extension to the rear between the first and second floors to provide a new bathroom and glass enclosure on the roof terrace staircase.

Summary of Decision: The appeal is dismissed

Preliminary Matters

1. The description of the proposal on the application form includes a glass enclosure on the roof terrace staircase. However, the submitted plans do not indicate the enclosure and the Council's decision notice describes the development as the *erection of an extension to the rear between first and second floors to provide new bathroom*. I consider the Council's description is more appropriate and I have determined the appeal on that basis.

Main Issue

2. I consider the main issue to be whether the proposal would preserve or enhance the character or appearance of the Norland Conservation Area.

Planning Policy

3. The Development Plan for the area is the Royal Borough of Kensington and Chelsea Unitary Development Plan, adopted in May 2002.
4. Policy CD25 requires that any development is built to a high standard and is sensitive to and compatible with its surroundings in terms of its scale, height, bulk and materials. The general thrust of policies CD28, CD30 and CD30a is to prevent development from adversely affecting the amenity of nearby properties in terms of sunlight or daylight and visual privacy or from a harmful increase in the sense of enclosure.
5. Under the provisions of policy CD41, extensions to property will be resisted where they fail to meet a number of criteria relating to their design and appearance, their relationship with the existing and nearby buildings, the effect on the amenities of nearby properties and loss of historic views and gaps. Policies CD52 and CD53 are intended to ensure that development in conservation areas is of a high standard of design and preserves and

enhances their character or appearance. These policies generally reflect Government advice on conservation areas as set out in Planning Policy Guidance Note 15 *Planning and the Historic Environment* (PPG 15)

6. The Council has submitted an extract from the Norland Conservation Area Policy Statement. Councils are required to produce such statements for their conservation areas, and although in this case I do not know its status, I give it considerable weight in the determination of the appeal.

Reasons

7. Portland Road is situated in a mainly residential part of the Norland Conservation Area. No 41A is a three storey dwelling situated at the northern end of a long terrace of three storey residential properties on the west side of the road close to its junction with Pottery Lane. I understand the house was a later addition to the terrace and it is set back further from the road frontage and is lower in height than the other properties in the terrace. There is a partial rear extension at ground and first floor levels following the building line of the northern elevation of the dwelling. To the rear and to the north, No 41A adjoins the Prince of Wales Public House and its rear yard.
8. The proposal is to provide a bathroom by building a second floor rear extension over the existing extension. The development would be built in brick with a flat roof. Because of the internal arrangements in the dwelling, the roof of the proposed extension would be lower than the existing second floor. The scheme has been submitted in an attempt to overcome the reasons for refusing a previous application in which the proposed extension had a pitched glazed roof.
9. The proposal would be particularly prominent when viewed from the southern end of Pottery Lane across the yard belonging to the Prince of Wales public house and also from the rear windows of properties in Portland Road and Princesdale Road to the south. In particular, there is a pitched roof two storey mews building attached to the public house on the south side of the yard which adjoins the existing extension at No 41A. At present, because of its height, the eastern gable of this mews building is separated by a gap from the main rear elevation of the dwelling. In my opinion, this gap is important in defining and maintaining the integrity of both the dwelling and the public house which, because of its design and location, is a featured building in the Conservation Area Policy Statement. If built, the proposed extension would result in both the loss of this gap and the separate identities of the two buildings.
10. The extension would be higher than the adjoining part of the public house and in my view would appear over dominant in the street scene. I also consider that whereas the existing extension appears subordinate to the main part of the dwelling, this would not be the case if the proposal were to proceed.
11. Although I observed that there are rear extensions on a nearby properties in Princesdale Road, I did not see any other rear extensions on the terrace in Portland Road and whilst I accept that No 41A is different in design to the remainder of the terrace, I consider that if the appeal were to be allowed, the Council would find it difficult to resist similar proposals in the future which could cumulatively harm the character and appearance of this terrace.

12. I conclude therefore that the proposed development would harm both the character and appearance of the Norland Conservation Area and would be contrary to the relevant Development Plan policies set out above.

Other Considerations

13. I do not dispute the appellant's view that the proposal would not cause any significant harm to the amenities of nearby residents, however this in itself is not sufficient to overcome my reasons for dismissing the appeal.

Conclusion

14. For the reasons given above and for all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

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

Information

16. A separate note is attached setting out the circumstances in which the validity of the decision may be challenged by making an application to the High Court.

Leslie Corp.

INSPECTOR

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

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

Switchboard: 020-7937 5464
Extension: 2096
Direct Line: 020 - 7361 2096
Facsimile: 020- 7361 3463

5th November 2002

My reference: DPS/DCN/
PP/02/00073

Your reference: App/K5600/A/02/ Please ask for: Sarah Gentry
1099355

Dear Sir,

**Town and Country Planning Act 1990
41A Portland Road, W11**

I refer to the appeal made by Mr R Jameson under section 78 of the Town and Country Planning Act 1990 against the Royal Borough of Kensington and Chelsea's decision to refuse planning permission for the erection of an extension to the rear between first and second floors to provide new bathroom at 41A Portland Road.

You have already received copies of the following documents:

- A1 A copy of the Officer's delegated report
- A2 Extracts from Chapters 1- 4 of the Royal Borough's Unitary Development Plan, as adopted May 2002.
- A3 Extracts from the Conservation Area Proposals Statement.

It is considered that, with this letter, the delegated report clearly amplifies the Council's reasons for the refusal of planning permission. These documents, together with this letter, constitute the Royal Borough's representations.

Relevant Legislation and Central Government Guidance

Attention is drawn to section 70(2) and section 54A of the 1990 Act and the related advice contained within Planning Policy Guidance: General Policies and Principles (PPG1) Paragraph 40, in particular that applications which are not in accordance with the relevant policies in the Plan should not be allowed unless material considerations justify granting planning permission.

Attention is also drawn to the Planning, Listed Buildings and Conservation Areas Act 1990 concerning the duties imposed by sections 71 and 72. The Council's Conservation and Development policies and the publication of the Kensington Conservation Area Proposals Statement are consistent with these requirements.

Planning Policy Guidance: Planning and the Historic Environment (PPG15) contains relevant advice, in particular paragraphs 1.1, 4.1, 4.14 and 4.19.

The Appellant's grounds of appeal

Some comments are required with regard to the appellant's grounds of appeal.

The appellant claims that the proposed design is of a scale and height compatible to the existing building and that the materials have been selected to match. Whilst the materials of the proposed extension would match the existing building, it is considered that the scale and the height of the proposal would be overly dominant in relation to the existing building and be higher than any other extensions on the terrace. It should be noted that planning permission was granted on appeal in 1997 for the replacement of the existing valley roof with a flat terrace roof and the building up of the rear parapet in brickwork. The rear façade of this building has already been significantly altered and extended and it is considered that the proposed extension would further obscure the original rear elevation of the building, contrary to Policy CD41.

The appellant claims that the property is a later addition to the terrace and so has different floor levels, is almost a storey lower, is staggered on plan from the terrace and the rear wall runs at a different angle, and therefore the impact of the addition is lessened and it would not set a precedent for other properties. However, it is considered that because the building is set back from the building line of the main terrace, it already dominates the terrace and the visual impact of the proposed extension is also therefore increased.

To the rear of the application building is a two storey mews building which is attached to the Prince of Wales Public House. This public house is identified as a feature building within the Conservation Area Proposals Statement and it is considered that the gap at upper levels between the application property and the public house is an important feature which helps to define this feature building. It is considered that the proposed increase in the height and bulk of the application building would dominate the neighbouring mews building and this infilling of this part of the existing gap would be harmful to the setting of the neighbouring public house. As such, it is considered that the proposed extension would be harmful to the appearance of the Conservation Area, contrary to Policy CD52 and CD53.

To conclude, the extension which is the subject of this appeal fails to comply with the relevant policies of the Unitary Development Plan and would harm the character and appearance of the building and the conservation area and the Inspector is requested to dismiss this appeal.

Conditions should the appeal be allowed

Without prejudice to the arguments set out in this letter and the report which sets out why the Royal Borough considers that planning permission should be refused, the Inspector is requested to impose the following conditions should the appeal be allowed.

1) All work and work of making good shall be finished to match the existing original work in respect of material, colour, texture, and profile and, in the case of brickwork, facebond and pointing unless otherwise approved by the Executive Director, Planning and Conservation in writing. (C071)

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

2) The window on the extension hereby approved shall be constructed using only obscured glazing, a sample of which must be submitted to, and approved in writing by, the Executive Director, Planning and Conservation before development commences. The glazing shall be so maintained and fixed shut. (C094)

Reason:- To safeguard the amenity of neighbouring property, and in particular to prevent overlooking: (R091)

3) The new window on the extension hereby approved shall be a timber, double hung, vertical sliding sash painted white and so maintained. (C210)

Reason - *To preserve and enhance the character and appearance of the Conservation Area. (R072)*

Yours faithfully,

MJ French
Executive Director, Planning and Conservation



The Planning Inspectorate

SG

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

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

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

Your Ref: PP/02/00073/CHSE
Our Ref: APP/K5600/A/02/1099355
Date: 11 November 2002

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR R JAMESON
SITE AT 41A PORTLAND RD, LONDON, LONDON, W11 4LH**

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

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

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

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

Yours faithfully

Mr Dave Shorland

211AL(BPR)

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				APPEALS DESK			

37

**39 Portland Road
London W11 4LH**

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

16th October 2002

Dear Sirs

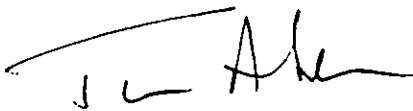
Re 41A Portland Road, London W11 4LH

I write to object formally to the application to build a rear extension between the first and second floors. I have had a chance to look at the UDP for the Royal Borough of Kensington & Chelsea and agree with the Council that the extension would be contrary to Policies CD25, CD41, CD52 and CD53.

Although the UDP policies set out the legal framework I would like to express in my own words why I think this addition would cause harm. I am not writing as a neighbour, although my house is next but one to 41A, who will be disadvantaged by this development as the direct effect on my property would not be that great. The facts are that the back of 41A already extends further than any other on the terrace. It already has a rear addition and this further extension is a development too far, it would be unsightly and increase the sense of enclosure on the very narrow gardens at the rear of terrace.

I trust you will dismiss the appeal.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tim Ahern', with a long horizontal line extending to the left.

Tim Ahern



The Planning Inspectorate

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

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

Your Ref: PP/02/00073/CHSE
Our Ref: APP/K5600/A/02/1099355
Date: 3 January 2003

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR R JAMESON
SITE AT 41A PORTLAND RD, LONDON, LONDON, W11 4LH**

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

Mr L Coop BA(Hons) DipTP MRTPI

The Inspector will visit the appeal site at 10:30 on Monday 20 January 2003. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

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

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

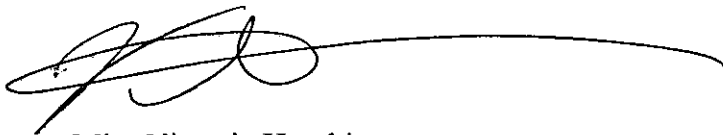
The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

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

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Yours faithfully

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Miss Victoria Hutchinson

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

209D

Planning (Listed Buildings and Conservation Areas) Act 1990
Appeal on behalf of Mr Richard Jameson

This is the statement submitted on behalf of the appellant in support of the appeal, and in response to the written statement prepared by the local authority, following:

Refusal of Planning Consent

By the Royal Borough of Kensington and Chelsea

for

Erection of an extension between the first and second floors to the rear

of

41a Portland Road, London W11 4LH

RBK ref: PP/02/00073/CHSE

DETR ref:APP/K5600/A/02/1099355

Professional Experience

My name is Michael Nash; I am a Chartered Town Planner.

I am the Managing Director of Sedley Place Ltd, a multi-disciplinary design company, where I am also responsible for the architecture, design and planning team.

I am engaged on a day to day basis in the fields of Town Planning and Architecture, and have worked for both the public and private sectors, in the UK and abroad.

I am familiar with the appeal site and its surroundings, having designed the interior of the appeal premises and conceived the alteration, which is the subject of this appeal.

1. Site and Surroundings

- 1.1 The appeal site is a residential dwelling.
- 1.2 The house is a latter addition to the end of a Victorian terrace of five houses and adjoins the car park of the Prince of Wales public house.
- 1.3 The appeal property is joined to the terrace but is staggered on plan and has one storey of accommodation less resulting in it being lower and shallower.

2. History

- 2.1 The house has recently benefited from an internal and external refurbishment.
- 2.2 An application for an extension between the first and second floors to the rear was submitted at this time (14th September 2001). The application was refused permission on 24th October 2001. The reasons for refusal were given as follows:

"1. The proposed rear extension, by reason of its height, design and glazed roof would cause harm to the character and appearance of the building, the terrace and the Conservation Area in which it is situated. On this basis, it would be contrary to the Council's policies as contained within the "Conservation and Development" chapter of the Unitary Development Plan."

"2. The proposed roof structure, by reason of its projection above the parapet design and amount of glazing would cause harm to the character and appearance of the building, the terrace the Conservation Area in which it is situated. On this basis, it would be contrary to the Council's policies as contained within the "Conservation and Development" chapter of the Unitary Development Plan."

- 2.3 The scheme which is the subject of this appeal was registered as an application on 10th January 2002. It addressed the two previous reasons for refusal by removing the glass pitched roof, reducing the height of the extension and removing the glass structure on the roof. It was refused permission on 1st March 2002. The reason for refusal was given as:

"1. The proposed rear extension which would project beyond the general rear building line, by reason of its height would cause harm to the appearance of the building, the adjoining terrace, and the Conservation Area in which it is situated. On this basis, it would be contrary to the Council's policies as contained within the "Conservation and Development" chapter of the Unitary Development Plan."

3. Planning Policies

- 3.1 The appellant does not dispute the existence of the planning policies quoted by the council in their refusal notice and policies reference CD25, CD28, CD41, CD52 and CD53 in the UDP are as follows:

"CD25 To ensure that all development in any part of the borough is to a high standard of design and is sensitive to and compatible with the scale height, bulk, materials and character of the surroundings".

"CD28 To resist development which significantly reduces sunlight or daylight enjoyed by existing adjoining buildings and amenity spaces".

"CD41 To resist proposals for extensions if:

- a) The extension would extend rearward beyond the existing general rear building line of any neighbouring extensions.*
- b) The extension would significantly reduce garden space of amenity value, or spoil the sense of garden openness when view from properties around.*
- c) The extension would rise above the general height of neighbouring and nearby extensions, or rise to or above the original main eaves or parapet.*
- d) The extension would not be visual subordinate to the parent building.*
- e) On the site boundary, the extension would cause an undue cliff-like effect or sense of enclosure to neighbouring property.*
- f) The extension would spoil or disrupt the even rhythm or rear additions. Full width extensions will not usually be allowed.*
- g) The adequacy of sunlight and daylight reaching neighbouring dwellings and gardens would be impaired, or existing below standard situations made significantly worse.*
- h) There would be a significant increase in overlooking of neighbouring properties or gardens.*
- i) The detailed design of the addition including the location or proportions or dimensions of fenestration or the external materials and finished, would not be in character with the existing building (some exception may be allowed at basement level).*
- j) An important or historic gap or view would be blocked or diminished."*

"CD52 To ensure that any development in a conservation area preserves and enhance the character or appearance of the area."

"CD53 To ensure that all development in conservation areas is to a high standard of design and is compatible with:

- A) Character, scale and pattern;*
- B) Bulk and height;*
- C) Proportion and rhythm;*
- D) Roofscape;*
- E) Materials;*
- F) Landscaping and boundary treatment of surrounding development."*

- 3.2 In addition to the stated planning policies the Council also direct the appellant to the following policies for information purposes:

"CD30 To require development to be designed to ensure sufficient visual privacy of resident and the working population."

"CD30a To resist development where it would result in a harmful increase in the sense of enclosure to nearby residential property."

- 3.3 In response the aims of the above policies, for the appellant, it is argued that, being at the northern most end of the terrace, the proposed addition would have very little effect on the sunlight and daylight reaching any adjacent properties or gardens. The proposed addition will provide a single non habitable room (a bathroom), with a single window containing obscured glazing so as to maintain the privacy of neighbouring properties.
- 3.4 The existing rear addition to Dolphin House (No. 41a), joins an addition to the Public House and is party of a fairly dense eclectic urban fabric that has little rhythm. In fact the extension would fill a small niche in otherwise unbroken roofline between the appeal property and the public house. There are additions of varying proportions on the buildings that back onto Portland Road, and beyond the terrace of five in Portland Road. the building line steps approximately 4 metres back full height. The proposed extension is not changing the existing footprint of Dolphin House (No. 41a), in any way.
- 3.5 The property has the benefit of a large roof garden and a small enclosed rear yard at ground level none of which will be affected by the appeal proposal.

- 3.6 The height and scale of the proposed extended rear addition sits comfortably on the rear of Dolphin House (41a), remaining visually subordinate, and being slightly higher than the ridge of the Public House addition that it adjoins forms a natural stepping reduction of height.
- 3.7 Materials have been selected to match the existing property and surrounding built fabric and we are proposing careful supervision of work on site in order to ensure that the proposed extension is well constructed and upon completion fits comfortably in its surroundings.
- 3.8 The Council states their specific criteria for proposals for extensions at CD41 quoted above. The appeal proposal does not disqualify itself when judged against a single one of the general provisions of this policy and the reasons for this are given as follows (as they are quoted in the policy):
 - a) The extension does not extend rearward beyond the building line and relates precisely to the established building line of the existing extension.
 - b) The extension would not reduce garden space or amenity value (which the council agree with in their report dated 25th February 2002).
 - c) The extension would not rise above the height of neighbouring and nearby extension, of which there are none on the adjoining terrace; and would not rise to or above the parapet of the existing building. However, there are higher rear extensions immediately opposite the appeal site.
 - d) The extension would be visually subordinate to the parent building.
 - e) On the boundary the extension would not cause an undue 'cliff like' sense of enclosure to the neighbouring property which is in fact the wide open yard of the public house.
 - f) The extension would not spoil or disrupt the even rhythm of existing rear additions which at present only occurs at the rear of Dolphin House (41a), and not on the neighbouring terrace.
 - g) The extension would not diminish the adequacy of sunlight/daylight reaching neighbouring dwelling and gardens (this point is also acknowledged by the Council in their report dated 25th February 2002)
 - h) There would be no overlooking.
 - i) The detailed design is entirely in keeping with rear extensions of its type at the rear of London houses examples of which can clearly be seen from the rear of the appeal site, and will be built in materials to match precisely those of the existing house.
 - j) The extension would not breach the established front building line.

- k) An important or historic gap would not be diminished.
- 3.9 The appeal scheme therefore, on the basis that it does not conflict with any of policy CD41, conforms with the objectives of the general policies of a Conservation Area and should be allowed on the basis that there is no overriding reason to refuse it.

4. Other Planning Considerations

- 4.1 In addition to our direct response to the Unitary Development Plan Policies quoted by RBKC on the refusal notice, we wish to refer to the matters raised in the Officers Report dated 25th February 2002 as follows:

4.1 The relevant policies for consideration of the Council's Unitary Development Plan include CD25, CD28, CD30, CD30a, CD41, CD52 and CD53.

4.2 The property has an existing two storey extension which abuts the neighbouring public house. It is proposed to extend this existing rear extension at second floor landing level. The extension would be constructed in brick to match the existing building.

4.3 The property is an addition to the terrace and it is set back from the general building line. The other properties in the terrace do not have extensions at this level. Policy CD41 states that rear extension will normally be resisted if the extension would rise above the height of neighbouring and nearby extensions. This proposed extension would rise above the height of neighbouring extensions, contrary to Policy CD41.

4.4 Since the existing building is set back from the general building line, it already dominates the terrace and it is considered that an addition at this level would be detrimental to the appearance of the terrace. The proposed extension would be clearly visible from the street and it is considered that this increase in height and build on the flank elevation of the building would be detrimental to the mews character of Pottery Lane. It is considered that the proposed extension would be harmful to the appearance of the building and the rest of the terrace, contrary to CD41. It is considered that it would cause harm to the character and appearance of the conservation area, contrary to Policy CD52 and CD53.

4.7 It is not considered that the proposed extension will cause any significant harm to the amenity of the neighbouring properties. The extension is set away from the boundary with No 41 Portland Road and will not result in any loss of light or increased sense of enclosure to occupiers of this property. There will be some marginal increase in the sense of enclosure to the occupiers of the property to the rear (no. 12 and 13 Princedale Road). There will be some marginal increase in overlooking to the neighbouring gardens resulting from the proposed window in the side elevation of the rear extension, but this is not

considered to be significant as the gardens are already overlooked by other properties. The proposal is therefore considered to comply with policy CD28 and CD30

- 4.2 Consideration 4.3 states that other properties in the terrace do not have extensions but also that the proposed extension would rise above the height of neighbouring extensions. The only extensions nearby are to the rear, on properties in Princedale Road and the nearest of these exceeds the height of our proposal.
- 4.3 Consideration 4.4 states quite strangely that No. 41a dominates the terrace and that the proposed extension would be clearly visible from the street and detrimental to the mews character of Pottery Lane. The property clearly is not dominant, being subservient to the terrace in both height and depth, and the addition is not clearly visible from anywhere but the pub car-park and cannot be seen from virtually all of Pottery Lane, apart from through the gap afforded by the pub yard. At this point mews character ceases with or without the appeal proposal by virtue of the change in scale of the existing buildings. See Diag 1 and Diag 2 which illustrate this point.
- 4.4 Consideration 4.7 confirms, contrary to previously stated reasons for refusal, that the proposed extension will not cause any significant harm to the amenity of neighbouring properties and therefore the proposal complies with policies CD28 and CD30.

5. Conclusions

- 5.1 The appellant proposes a sensitively designed addition to an unlisted building in the Norland Conservation Area. The appeal property does not form an integral part of the unbroken terrace it adjoins, and what goes for the terrace does not necessarily go for Dolphin House.
- 5.2 The appeal scheme is well considered and designed to harmonise with the rest of the house in terms of its shape, materials, colour and detailing.
- 5.3 The appeal proposal infills a niche in the roofscape of the buildings that connect Dolphin House to those in Princetown Road to the rear.
- 5.4 It is evident that our proposal does not actually contravene any part of the specific UDP policy designed to deal specifically with extensions in the Conservation Area , and as such should be allowed.
- 5.5 The Secretary of State is respectfully requested to uphold this appeal and grant planning consent for the proposed development.

Sedley Place Ltd
7th November 2002

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1. View from Portland Road towards Pottery Lane.



2. View of end elevation from Pottery Lane.

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3. View of side/rear from Prince of Wales Car Park.

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4. View from Pottery Lane.



5. View South from rear yard of 41a Portland Road.

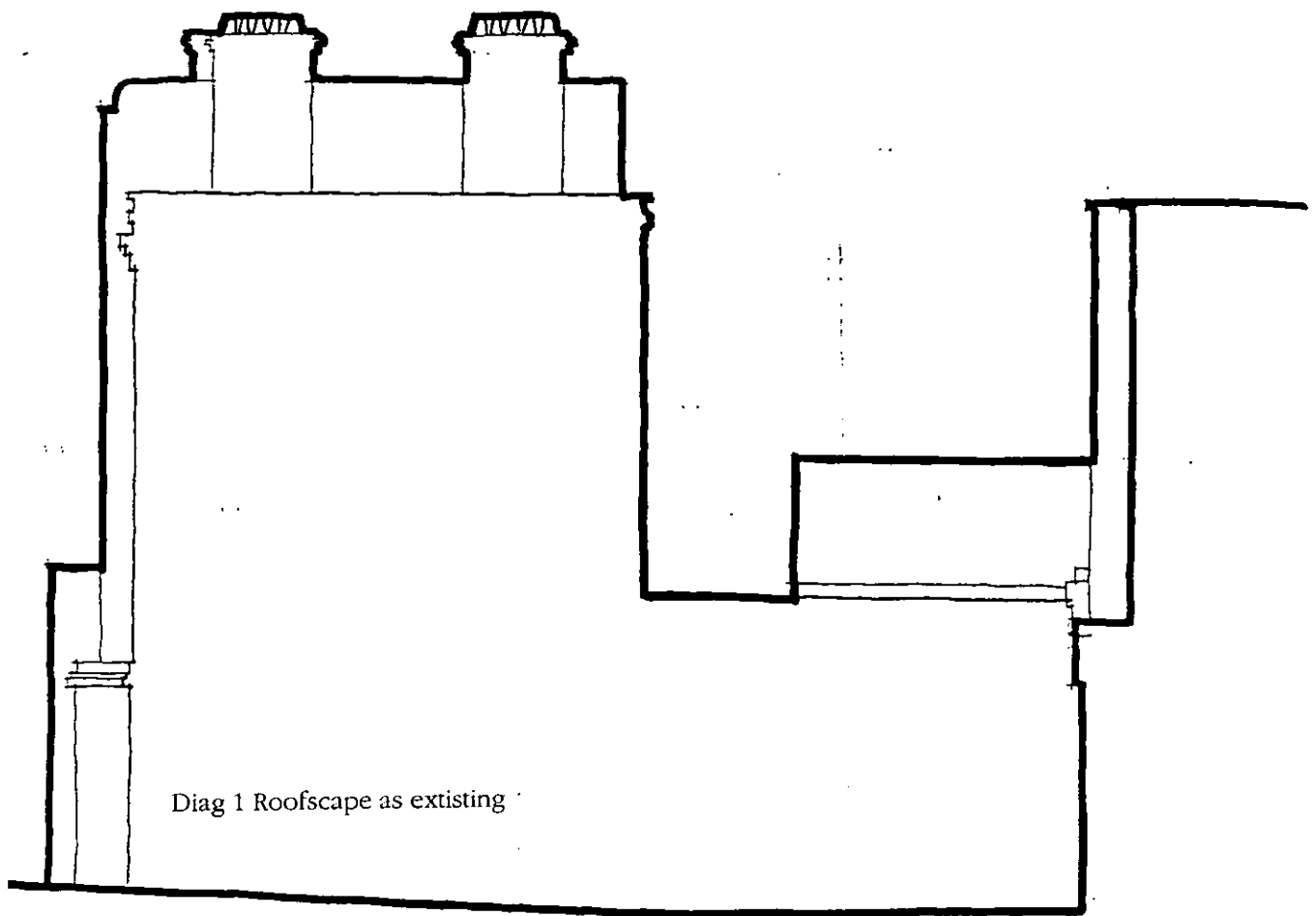
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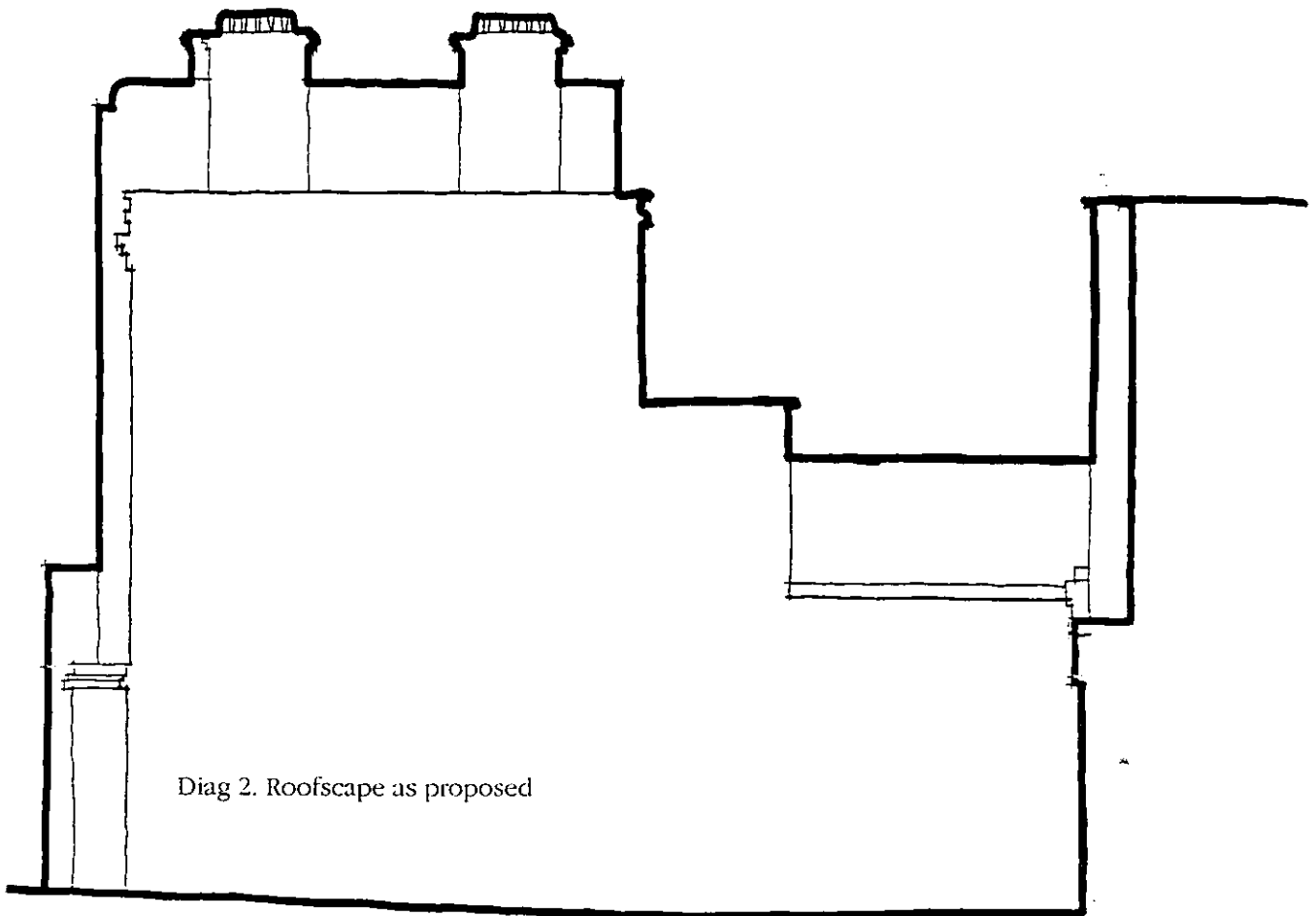
6. View from rear yard of 41a Portland Road
to rear of properties immediately adjacent in Princedale Road.



7. View of rear of properties in Princedale Road.



Diag 1 Roofscape as existing



Diag 2. Roofscape as proposed

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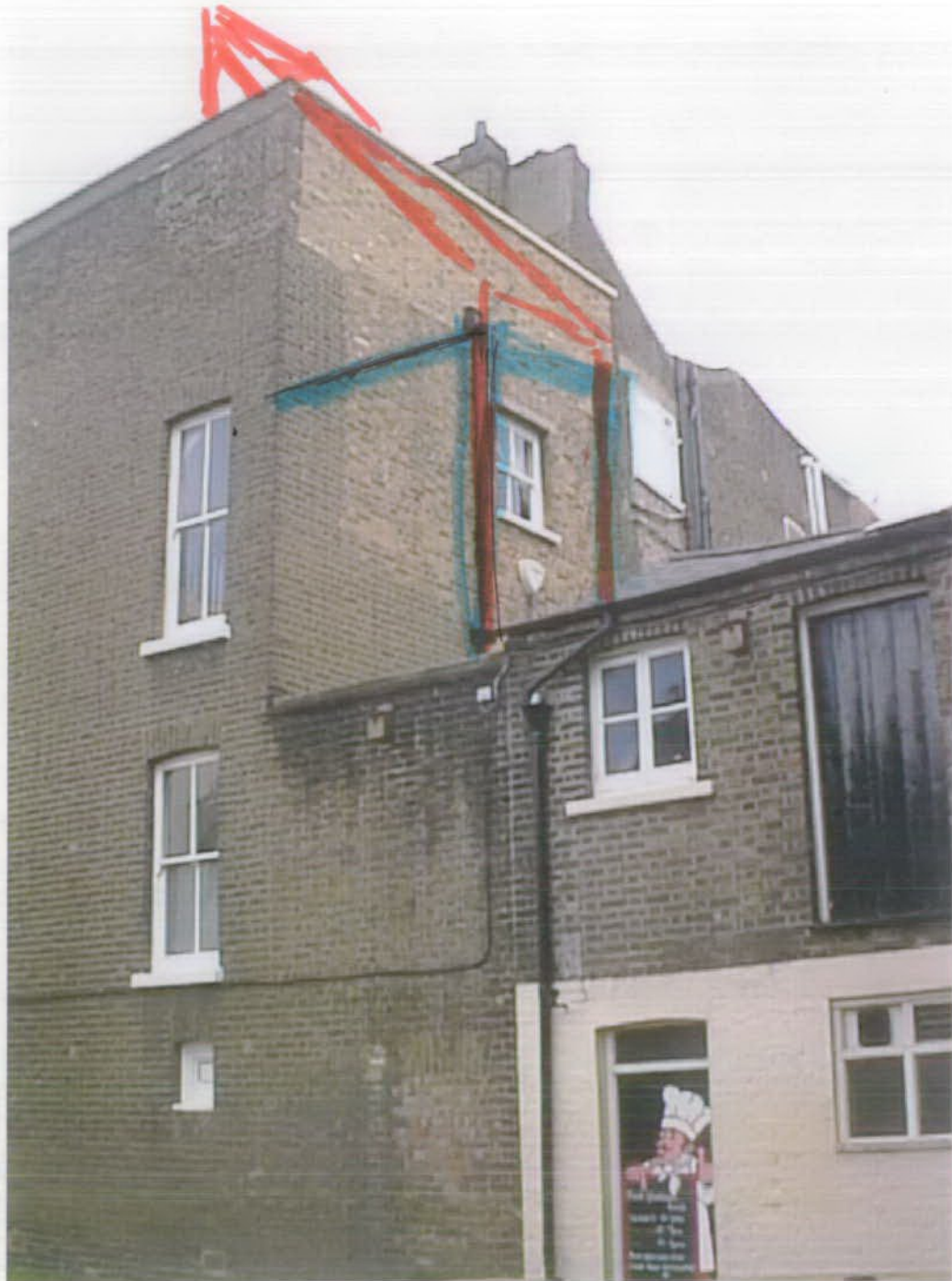
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front elevation



Side Elevation



Part Rear Elevation

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