

**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL

APPE



APPE



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



**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
SECTION 78**

**Appeal by SLT Ltd
for
Proposed detached double garage
at
18 Addison Avenue, London, W11**

**WRITTEN REPRESENTATIONS
ON BEHALF OF THE APPELLANT**

GROUND OFS OF APPEAL STATEMENT

**RBKC REF NO: PP/02/01628.
PINS REF NO: Unknown at this date.**

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Job No: 3700

Date: November 2002

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APPENDICES

- Appendices 1:** **Photos 1 - 7 of Addison Avenue and Queensdale Walk**
- Appendices 2:** **BCP.1: Parking Provision and Access at Queensdale Walk**
- Appendices 3:** **Summary Report to Committee by Ms Kathleen Hall.**

1 INTRODUCTION and BACKGROUND INFORMATION

- 1.1 This appeal is made by SLT Ltd against the decision of The Royal Borough of Kensington and Chelsea to refuse planning permission on 2nd October 2002 [RBK&C application no. PP/02/01628] for the erection of a single storey double garage at rear east end of back garden involving raising of existing rear wall fronting Queensdale Walk and insertion of door openings.
- 1.2 This report sets out the details of the appeal proposal, the reasons for refusal, the principal issue and is followed by an analysis of relevant policies.
- 1.3 To avoid duplication we will refer to documents previously submitted but not include them again as appendices to this statement. **We have not included UDP policies as we assume these will be included in the Council's Questionnaire.**

I. Site Description

- 1.4 We are happy to accept the case officer's site description from the Committee Report of 16th September 2002, at para. 1.1, to which we would add that the appeal site is not subject to an Article 4 Direction.

II. Planning History

- 1.5 In June 2002, planning permission was granted by RBK&C for alterations and extensions in association with the use of the property as a single family dwelling house. This approval included the construction of a new basement floor, a new light well, and erection of a rear ground floor extension and first floor extension.

2 THE APPEAL PROPOSAL

- 2.1 The appellants wish to erect a detached, single storey, double garage to the rear of their property at 18 Addison Avenue, London, W11. The rear of this property is accessed from Queensdale Walk, a narrow cul-de-sac with properties 1-11 [inc] fronting onto this street from the east side and the rear of the properties 18-28 [even] Addison Avenue backing onto the west side of the street. [Refer to **Photos 1 - 7 at Appendix 1**]
- 2.2 Queensdale Walk is subject to controlled parking by the provision of residential parking spaces and single yellow lines. The scheme at this appeal does not jeopardise the existing parking provision in the street and is not unique in its application. Plan **BCP.1** attached at **Appendix 2**, illustrates the layout of Queensdale Walk in reference to parking provision, existing vehicular/pedestrian access and the proposed access.
- 2.3 In order to access the proposed garage, changes will need to be made to the existing rear boundary wall of the appeal site. The existing boundary wall is constructed of London Stock Bricks to a height of approx. 1.6m, with a wooden trellis and overhanging creepers measuring a further 1.5m, thus giving a total boundary height of 3.1m.
- 2.4 As shown on **Photos 6 + 7, Appendix 1**, the height of rear boundary walls to the Addison Avenue properties varies along the street.
- 2.5 The scheme at this appeal proposes to remove the existing trellis and creepers, and part demolish the brick wall to allow the insertion of two wooden panelled garage doors with a brick pier dividing the two doors for access into the proposed garage.
- 2.6 The garage doors will measure approx 2.1m in both height and width, with the central brick pier at approx. 500mm. Furthermore, the existing wall will be raised in height to approx. 2.9m an increase of 0.8m above the garage doors, but 200mm lower than the existing height of the wooden trellis. As shown on drawing no. 32 30/24, this would be 500mm lower than neighbouring property at 20 Addison Avenue.

- 2.7 The garage building itself will incorporate reused London Stock Brickwork and contains two pitched roofs with a valley gutter located behind the Queensdale Walk boundary wall. The roof contains high level openable vents and the garden elevation contains a pedestrian access to the garage and glazing to provide natural light.
- 2.8 The proposals are shown on the plans which formed the original application, these are:
- ▶ 3230/23 - Proposed Garage Plan and Elevations.
 - ▶ 3230/24 - Existing and Proposed Elevations and Proposed Section AA.
 - ▶ 3230/PO1 - Photographs.
 - ▶ 3230/PO2 - Photographs.
 - ▶ 3230/SO1 - Site Plan.

3 THE REASONS FOR REFUSAL

- 3.1 The reason for refusal as stated on the decision notice dated 2nd October 2002 is as follows:

"The proposed development would harm the character and appearance of Queensdale Walk and of this part of the Norland Conservation Area. As such, the proposed development is contrary to Policies STRAT 1, CD 46, CD48, CD52 and CD 53 of the Unitary Development Plan (as Modified)."

- 3.2 The outcome of the 16th September RBK&C Planning Services Committee went against officer recommendation. Indeed the case officer's report stated that the submitted scheme was in accordance with UDP policy and recommended the grant of planning permission.

4 PRINCIPAL ISSUE

- 4.1 The case officer at RBK&C recommended the application for approval as it was appraised to be in accordance with the statutory UDP policy. However, the submitted scheme was subsequently refused by the Planning Services Committee in regard to the alleged harm to the character and appearance of the conservation area.
- 4.2 **Thus the only matter at issue with the Council Planning Services Committee Members is the effect on the character and appearance of the conservation area.** All other matters are acceptable to them. Even that matter was found to be acceptable to the professional planning officers.
- 4.3 This is therefore the principal issue to address and the following section of this report shall investigate the principal issue considered by the Committee Members.
- 4.4 The Planning Services Committee had before them, for consideration, a number of other issues raised by third party objections, including a presentation from Ms Kathleen Hall, a neighbour at 5 Taverner's Close, Addison Avenue, London, W11, but did not find objectionable any of those issues raised. A summary of the objections put forward to the Committee Members from Ms Kathleen Hall, a neighbour is attached at **Appendix 3**. We therefore deal with these secondary matters in Section 6 below.

5 POLICY ANALYSIS of the PRINCIPAL ISSUE

- 5.1 Section 54A of The Town and Country Planning Act 1990 (As Amended) requires planning applications to be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 5.2 The **development plan** in this instance is The Royal Borough of Kensington and Chelsea, Unitary Development Plan as statutory adopted on 25th May 2002, the **material considerations** comprise the Norland Conservation Area Policy Statement (CAPS) dated September 1982 and PPG 15: Planning and the Historic Environment September 1994.
- I. Preservation and Enhancement of the Norland Conservation Area.**
- 5.3 The UDP policies concerning the built environment are found in Chapter 4, 'Conservation and Development'. In particular, policies CD52 and CD53 have regard to the conservation areas of RBK&C.
- 5.4 Policy **CD 52** aims to ensure that "*development in a conservation area preserves and enhances the character or appearance of the area*". This policy can also be reviewed in parallel with policy **CD 53**, which ensures development in conservation areas is of a high standard of design and compatible with surrounding development.
- 5.5 The existing height of the wall and creeper covered trellis is 3.1m; the proposed height is 2.9mm and the resulting difference in height and sense of enclosure will thereby be minimal.
- 5.6 Therefore the difference in height between the two schemes, at 200mm, is minimal. The proposed changes to the wall will tie in with the neighbouring boundary elevations and in particular that of neighbouring 20 Addison Avenue which has a boundary brick wall with insertion of double wooden doors. **[Photos 5 + 6, Appendix 1].**

- 5.7 The application is successful in proposing a scheme which takes into account; **1)** the vernacular design of Queensdale Walk, **2)** employing traditional materials, **3)** the sense of enclosure, and **4)** the rhythm of the streetscene is retained.
- 5.8 Vertical panelled timber doors in brick walls are a normal feature of the local streetscene. Thereby the appeal scheme does not cause harm to the conservation area either in terms of character appearance. Consequently, the scheme at this appeal does comply with policies CD 52 and CD 53.
- 5.9 The **Norland CAPS** has no specific policies concerning the issues of the proposed development, except to re-iterate the UDP policies and PPG 15 aims. Therefore, this supplementary planning guidance has, in this case, been covered by the statutory development plan.
- 5.10 The UDP policy CD 52, goes further than **PPG 15** at para 4.1, which merely seeks to “*preserve or enhance all the aspects of character or appearance that define an area’s special interest*”. [our emphasis]. Therefore, having satisfied the more rigorous and statutory UDP policies in regard to development in conservation areas, the development, therefore, also satisfies the planning policy guidance.

6 ADDITIONAL MATTERS

I. Third Party Objections

6.1 The main concerns raised by the objectors and at Committee were:

- Character and appearance of Norland Conservation Area.
- Loss of green, quiet character at end of Queensdale Walk.
- Off-street parking
- Precedent: loss of residents on-street parking spaces.
- Insufficient turning circle.
- Additional traffic and safety issues.
- Noise.

These issues are considered in relation to UDP policy compliance, with particular reference to nos. 5 and 6 Taverner's Close, being the properties closest to the appeal site.

Character and appearance of Norland Conservation Area

6.2 The impact of the appeal proposals upon the character and appearance of the conservation area have been dealt with in Section. 5 of this report.

Loss of green, quiet character at end of Queensdale Walk

6.3 A third party objection to the scheme was a loss of this 'green and quiet' end of Queensdale Walk. However, the 'greenness' of the appeal site is created by hanging creepers, which are not protected and thus not relevant to the decision of the appeal. The 'quiet' issue is discussed in para 6.12 of this report.

Off-street parking

6.4 In terms of transport policy the UDP is neutral on the provision of off-street parking, neither requesting it nor resisting it, in line with the guidance of PPG 3.

6.5 Policy **CD 46** allows off-street car parking in gardens, if the following criteria apply:

a) Material loss of garden space

The existing length of the appeal garden is approx. 22.0m, whilst the proposed garage is 5.4m in depth, thus resulting in a retained garden length of approx. 16.6m, with a width of approx. 7.5m. The proposed scheme therefore leaves 75% of the existing garden undeveloped, which is more than adequate for a single family dwellinghouse.

b) Loss of amenity value trees

The proposal does not result in the loss of amenity value trees, and therefore complies with this part of the policy.

c) Unsightly gap in otherwise uniform means of enclosure

The western boundary wall of Queensdale Walk creates a continuous, but not uniform sense of enclosure to the street architecture in this part of the Conservation Area. The proposals would continue the sense of enclosure by inserting garage doors into the raised brick wall. These panelled doors would be separated by a brick pier to ensure the appropriate sense of scale and proportion for the access. As a result the proposals would not create an unsightly break in the garden wall nor be obtrusive to the rhythm of the streetscene. **[Photos 6 + 7, Appendix 1].**

d) Forecourt Parking

This criterion is not relevant to this appeal, as it applies at the front of a dwelling rather than at the rear.

Precedent: loss of residents on-street parking spaces

6.6 The local residents are concerned that an approval of this proposal would, result in a loss of residents on-street parking and would set a precedent for other Addison Avenue properties backing onto Queensdale Walk [22-28 even].

6.7 **TR 48** resists development which would lead to the net loss of on-street residents' parking spaces as explained in para 7.6.17 of TR 48. Part of Queensdale Walk is subject to resident parking permits within restricted hours and as such has parking bays for up to 11 cars alongside the rear garden walls of 20 - 28 (even) Addison Avenue. **[Photo 7, Appendix 1].** None of these bays is affected by the appeal proposals and Policy TR 48 is thereby conformed.

- 6.8 The proposal will not set a precedent as the appeal site is situated in a unique position, with its rear boundary not being covered by designated parking bays. The other exceptions to this general rule are at no. 20 Addison Avenue, 5 Taverner's Close and 11 Queensdale Walk, which already have garage doors opening onto the street fronted by single yellow lines.
- 6.9 As indicated on Plan **BCP.1**, **Appendix 2**, and shown on **Photos 3 + 4**, **Appendix 1**, these four properties are situated in a U-shape at the southern end of the cul-de-sac and accommodate this unique position together, where the principal of off-street garage parking has already been established.
- 6.10 Therefore, this area of land is not covered by Policy TR 48, which resists the net loss of on-street parking. By contrast, the remaining properties of 22-28 [even] Addison Avenue are restricted by this UDP policy, which can thereby control the loss of on-street parking.
- 6.11 With regard to the concern over residents parking provision the proposals would not therefore result in any loss, but would be likely to reduce pressure on the existing residents parking bays.

Insufficient turning circle

- 6.12 The issue regarding the adequacy of the proposed turning circle for manoeuvring into and out of the proposed garage. This issue has been addressed by the case officer in para. 5.5 of the Committee report and the Director of Transportation and Highways at RBK&C did not foresee a problem, when consulted on this concern. The proposed turning circle will be better than that for the parking bays on Queensdale Walk.

Additional traffic and safety issues

- 6.13 The creation of 2 off-street parking spaces at the end of this cul-de-sac would not result in a significant increase in the traffic movements. The street itself is very safe in highway terms as it does not have through traffic; the location of the garages at the end of the street would have little impact on the rest of the street.

- 6.14 Traffic speeds in this short length of road with cars parked on one side are likely to be relatively low. As a consequence there will be no significant impact on safety in this quiet road. **[Photo 2, Appendix 1].**

Noise

- 6.15 We concur with the case officers report at para. 5.4, that any additional noise arising from the proposed garage would be insignificant and would not warrant the refusal of planning permission.

II. The Existing Situation

- 6.16 At the time of writing, building works are under way for the approved planning permission of June 2002, which includes the construction of a new basement floor, a new light well, and erection of a rear ground floor extension and first floor extension, in association with the use of the property as a single family dwelling house.
- 6.17 In order to facilitate the building works, access was needed to the property, particularly to the rear elevations. Consequently, a section of the rear boundary wall, the subject of this appeal, has been temporarily dismantled, whilst retaining the original London Stock Bricks.
- 6.18 It is the client's proposals to repair the wall as previous, using the original bricks and including the trellis and creepers, when the building works are complete, in the event the appeal is dismissed. This will ensure the continued preservation and enhancement of the Conservation Area.

III. Conditions

- 6.19 In the event of the grant of this appeal, the appellant accepts the five conditions as set out in the Committee Report of 16th September 2002.

7 CONCLUSION

- 7.1 The critical issue in assessing the scheme at appeal is the impact upon the Norland Conservation Area.
- 7.2 In relation to that issue, the proposal ensures the preservation and enhancement of the Conservation Area by continuing the sense of enclosure along the west elevation of Queensdale Walk and maintaining the rhythm of the streetscene, in a traditional manner.
- 7.3 With regard to the secondary issues, a new garage will not cause detrimental harm to the existing residential amenity of Queensdale Walk in terms of:
- Character and appearance of Norland Conservation Area.
 - The quiet character at the end of Queensdale Walk.
 - Off-street parking provision.
 - Residents on-street parking spaces preservation.
 - Appropriate turning circle.
 - Minimal additional traffic and no adverse safety issues.
 - Minimal noise Impact.
- 7.4 In consideration of the above and having regard to the requirements of Section 54A of the Act, we consider that the development proposed is in accordance with planning policy and therefore there is no reason why planning permission should not be granted. The Inspector is respectfully requested to **ALLOW** this appeal.

APPENDICES

APPENDIX

1



Front Elevation of 18 Addison Avenue

Queensdale Walk Properties

Rear boundary wall of 18-28 Addison Avenue

Taverner's Close Property

Appeal Site 18 Addison Avenue

Residents Parking Bays

Queensdale Walk Street Scene Facing South Towards the Appeal Site

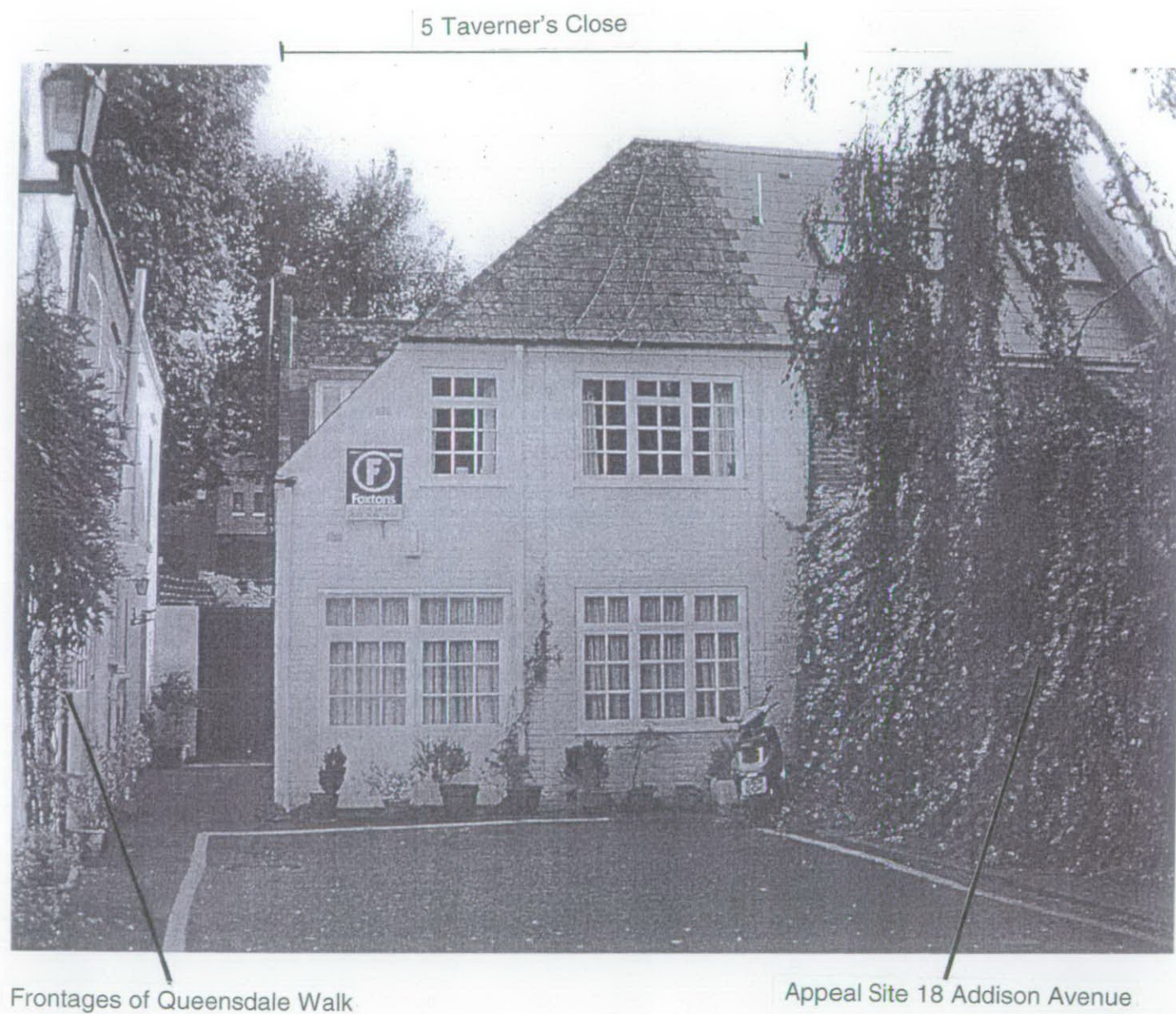


10a Queensdale Walk

11 Queensdale Walk

12 Queensdale Walk

5 Taverner's Close





5 Taverner's Close

18 Addison Avenue
The Appeal Site

20 Addison Avenue



18 Addison Avenue

20 Addison Avenue

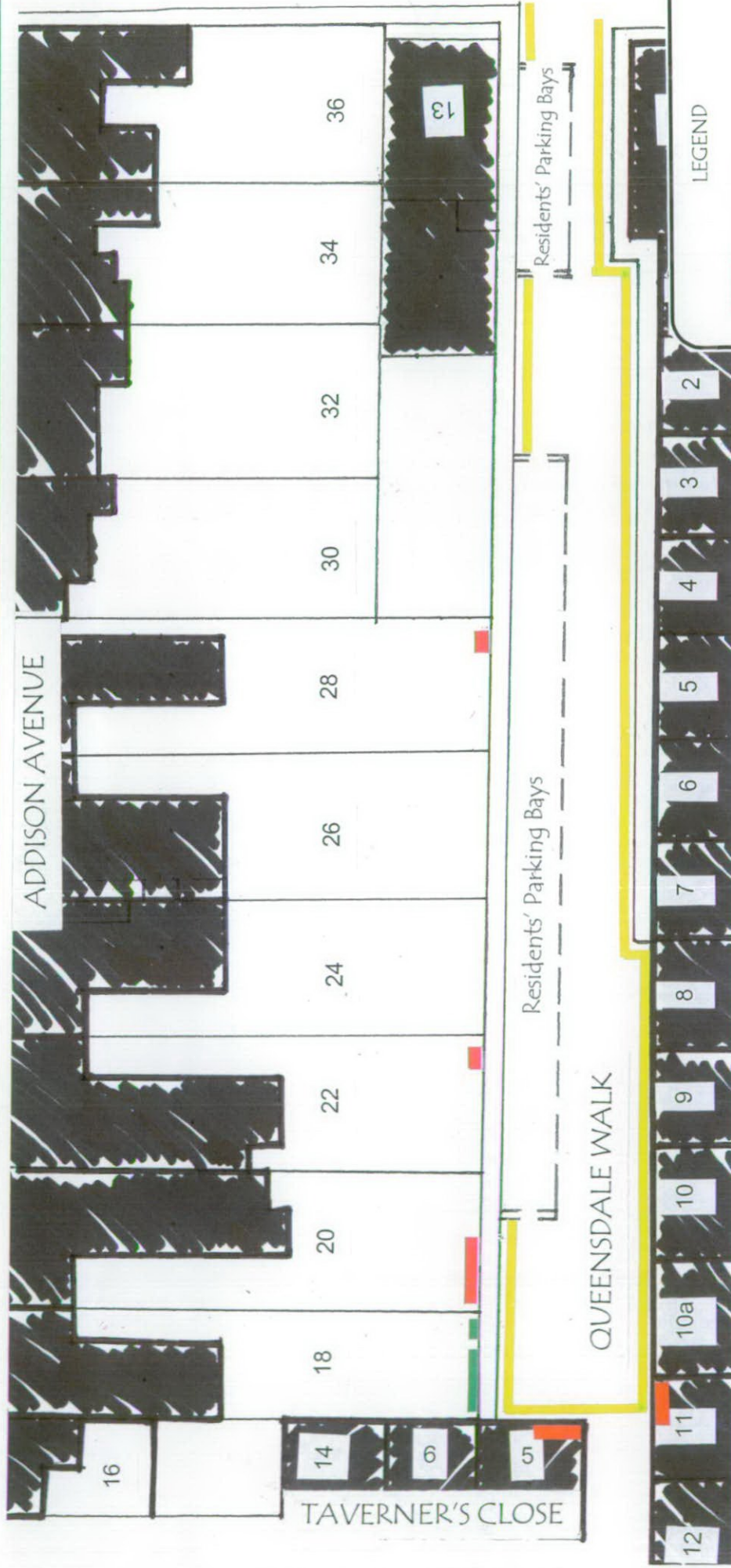
Residents parking spaces



Queensdale Walk Street Scene Facing North

APPENDIX

2



THE BELL CORNWELL PARTNERSHIP
 CHARTERED TOWN PLANNERS
 OAKVIEW HOUSE STATION ROAD HOOK HAMPSHIRE RG27 9TP
 TEL: (01256) 766673 FAX: (01256) 766490 bcp@bell-cornwell.co.uk

Scale: NTS

Job No: 3700

Plan No: BCP.1



Parking Provision and Access at Queensdale Walk

Title: 18 Addison Avenue, London, W11

Drawn: JH

Date: November 2002

Checked: *[Signature]*

Date: NOV '02

APPENDIX

3

13 Sept. 2002

This note was prepared without the benefit of the letter of instruction which has not been received and has been prepared at extremely short notice.

Kathleen E. Hall

With compliments

18 Addison Avenue, W11 4UR

Application to build a double garage in the rear garden facing Queensdale Walk, to be considered by the Planning Services Committee on Monday 16 September 2002

Summary of report to the Committee, by Kathleen Hall:

- 1 Impact of the proposed development on Nos 5 and 6 Taverner's Close and Nos 10A, 11 and 12 Queensdale Walk, in particular.
- 2 Technical considerations leading to loss of amenity and nuisance to residents by cars entering the garage: comments on 5.3 of the Report; large cars need a greater turning circle, production of supporting evidence.
- 3 Noise factor: comments on statement under 5.4. Use of the garage day and night a severe nuisance, particularly to No 5 Taverner's Close.
- 4 Wider environmental issues: refute paras. 4.8 and 4.9 of the Report: the garage and alterations to rear boundary wall would have a detrimental effect - in contradiction of Norland Conservation Society's policy statement regarding Queensdale Walk. Size of garage would constitute considerable loss of garden/green open space.

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 SLT Limited

Address 18 St. Leonards Terrace

Daytime phone no _____

London

Fax no _____

Postcode SW3 4QG

E-mail address _____

B. AGENT DETAILS FOR THE APPEAL (if any)

Name The Bell Cornwell Partnership

Address Oakview House

Your reference JH/3700

Station Road

Daytime phone no 01256 766673

Hook, Hampshire

Fax no 01256 468490

Postcode RG27 9TP

E-mail address jhill@bell-cornwell.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA RBK&C [Kensington & Chelsea]

LPA's application reference no PP/02/01628

Date of the planning application 15/07/02

Date of LPA's decision notice (if issued) 02/10/02

D. APPEAL SITE ADDRESS

Address 18 Addison Avenue

London

Postcode W11 4QR

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)

Erection of a single storey double garage at rear east end of back garden involving raising of
existing rear wall fronting Queensdale Walk and insertion of door openings.

Size of the whole appeal site (in hectares)

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

Approx. 0.0275 ha [275 sq.m]

Approx. 30 sq.m

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.

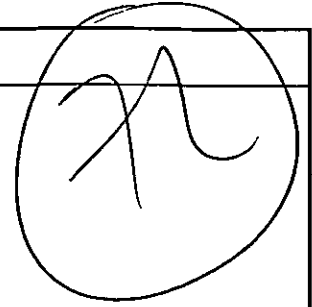
If you have requested a hearing or an inquiry, please provide a brief outline of your grounds.

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

Please continue on a separate sheet if necessary.

Please See Attached Grounds of Appeal Statement.

H. GROUNDS OF APPEAL (continued)



I. APPEAL SITE OWNERSHIP DETAILS

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

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

CERTIFICATE A



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

OR

CERTIFICATE B



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

Owner's name

Address at which the notice was served

Date the notice was served

_____	_____	_____
_____	_____	_____
_____	_____	_____

CERTIFICATES C and D



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

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

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

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



OR

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



Tenant's name

Address at which the notice was served

Date the notice was served

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

J. ESSENTIAL SUPPORTING DOCUMENTS

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

1. A copy of the original **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 THE BELL FORDWELL PARTNERSHIP

(on behalf of) SLT Limited

Name (in capitals) Joanne Hill

Date 29th November 2002

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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.

Published by the Planning Inspectorate April 2002

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Norwich NR3 1BQ

76

JH.3700.Nov.29.let

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

COPY
BY RECORDED DELIVERY

29th November 2002

Dear Sirs,

RE: SECTION 73 APPEAL AT 18 ADDISON AVENUE, LONDON, W11 4QR

Please find enclosed a planning appeal made on behalf of our clients, SLT Limited, in respect of the above site.

The appeal is being lodged following the Royal Borough of Kensington and Chelsea's decision (dated 2nd October 2002) to refuse planning permission [Ref. No: PP/02/01628] for the erection of a single storey double garage at no. 18 Addison Avenue, W11 4QR.

The documents that comprise this appeal are as follows:

- ▶ *This cover letter dated 29th November 2002.*
- ▶ *Planning appeal forms duly signed and dated.*
- ▶ *Copy of the original planning application sent to LPA*
- ▶ *LPA's decision notice dated 2nd October 2002.*
- ▶ *Site Plan*
- ▶ *Grounds of Appeal Statement*
- ▶ *Correspondence between the LPA and architects.*

As required, we confirm that a copy of this appeal application has been sent direct to the Royal Borough of Kensington and Chelsea.

If you require any further information, please do not hesitate to contact the writer. Otherwise we look forward to receiving your confirmation of receipt of the enclosed documents as a valid and complete appeal.

Yours faithfully

THE BELL CORNWELL PARTNERSHIP



JOANNE HILL

cc: SLT Limited
Andrews Downie and Partners
The Royal Borough of Kensington & Chelsea

Enc.

EX DIR	HDB	TP	QAG	AD	OLU	AO AK
R.B. K.G.		6 DEC 2002			PLANNING	
N	C	SW	SE	APP	IO	REC
				ADD	FPEN	DES FEES

14

NEW APPEAL

DATE: 6/12/02

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:

18 ADDISON AVENUE, WIL

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

DP

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: PP/02/01628
Our Ref: APP/K5600/A/02/1105494
Date: 17 December 2002

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY SLT LTD
SITE AT 18 ADDISON AVENUE, LONDON, W11 4QR

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.		18 DEC 2002		PLANNING		
K.C.						
N	C	SW	SE	APP	IO	REC
				ARB	FPL	DES
						FEES

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

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

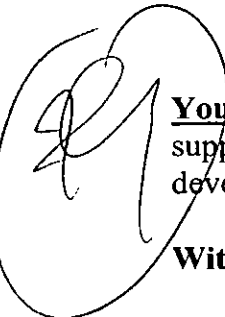
The appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

The following documents must be submitted within this timetable:

Within 2 weeks from the starting date -

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

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



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.

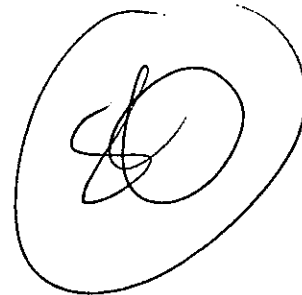
Planning obligations - Section 106 agreements

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

H Phillips

A handwritten signature, possibly 'H Phillips', is enclosed within a hand-drawn circle in the top right corner of the document.

// Mr Dave Shorland

102(BPR)

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

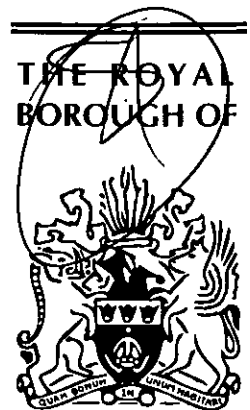
Office of the Deputy Prime Minister,
3/07 KiteWing,
Temple Quay House,
2 The Square, Temple Quay,
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-2081

Extension: 2081

Facsimile: 020-7361-3463



**KENSINGTON
AND CHELSEA**

Date: 30 December 2002

My Ref: DPS/DCN/PP/02/01628/AP

ODPM's Reference: App/K5600/A/02/1105494

Please ask for: Rebecca Gill

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 18 Addison Avenue, London, W11 4QR

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.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

The Bell Cornwell Partnership
Oakview House
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RG27 9PT

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Direct Line: 020-7361- 3651
Extension: 3651
Facsimile: 020-7361-3463

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

~~Date: 30 December 2002~~

My Ref: DPS/DCN/PP/02/01628/AP

ODPM's Reference: App/K5600/A/02/1105494 Please ask for: Mr.A. Paterson

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 18 Addison Avenue, London, W11 4QR

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.

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

OUR REF: PP/02/1628

APPEAL REF: APP K5600/A/02/1105494 GRID REF: _____

APPEAL BY: SLT LTD

SITE: 18 ADDISON AVENUE, 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 <input checked="" type="radio"/> NO <input type="radio"/>
OR Do you wish to be heard by an Inspector at:	YES <input type="radio"/> NO <input checked="" type="radio"/>
a. a local inquiry?	YES <input type="radio"/> NO <input checked="" type="radio"/>
or b. a hearing?	YES <input type="radio"/> NO <input checked="" type="radio"/>
2. If the written procedure is agreed, could the Inspector make an unaccompanied site visit?	YES <input type="radio"/> NO <input checked="" type="radio"/>
<i>(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.)</i>	
3. Does the appeal relate to an application for approval of reserved matters?	YES <input type="radio"/> NO <input checked="" type="radio"/>
4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES <input checked="" type="radio"/> NO / NA <input type="radio"/>
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 <input type="radio"/> NO <input checked="" type="radio"/>

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 11 a 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.

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?

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

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

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

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

g. Any representations received as a result of a notice published under Article 8 and/or Section 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 1-407 (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.

YES / **NO**

Sch1 / ~~Sch 2 col 1~~

YES / **NO**

YES / **NO**

Number of Documents Enclosed

N/A

1

15

✓

✓

✓

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?

28th Jan '03
30th Dec '02

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

Number of Documents Enclosed

N/A

i) representations received from interested parties about the original application

15

ii) the planning officer's report to committee / ~~no comment~~

✓

iii) any relevant committee minute

✓

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: [Signature] on behalf of RBK & C Council

Date sent to us and the appellant 30th December 2002

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

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PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

FILE COPY

1 Direct Line: 020-7361-3651

Extension: 3651

Facsimilie:

Switchboard: 020-7937-5464

020-7361-3463

Date: 30 December 2002

~~My Ref: DPS/DCN/PP/02/01628~~

ODPM's Reference: App/K5600/A/02/1105494

Please ask for: Mr.A. Paterson

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 18 Addison Avenue, London, W11 4QR

A Planning Appeal has been made by SLT Limited, 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 a single storey double garage at rear east end of back garden involving raising of existing rear wall fronting Queensdale Walk and insertion of door openings.. 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 28/01/2003 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 28/01/2003). 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 28/01/2003 (**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

GROUND(S) OF APPEAL

7.1 The critical issue in assessing the scheme at appeal is the impact upon the Norland Conservation Area.

7.2 In relation to that issue, the proposal ensures the preservation and enhancement of the Conservation Area by continuing the sense of enclosure along the west elevation of Queensdale Walk and maintaining the rhythm of the streetscene, in a traditional manner.

7.3 With regard to the secondary issues, a new garage will not cause detrimental harm to the existing residential amenity of Queensdale Walk in terms of:

- Character and appearance of Norland Conservation Area.
- The quiet character at the end of Queensdale Walk.
- Off-street parking provision.
- Residents on-street parking spaces preservation.
- Appropriate turning circle.
- Minimal additional traffic and no adverse safety issues.
- Minimal noise Impact.

7.4 In consideration of the above and having regard to the requirements of Section 54A of the Act, we consider that the development proposed is in accordance with planning policy and therefore there is no reason why planning permission should not be granted. The Inspector is respectfully requested to **ALLOW** this appeal.

REASON(S) FOR REFUSAL:

The proposed development would harm the character and appearance of Queensdale Walk and of this part of the Norland Conservation Area. As such, the proposed development is contrary to Policies STRAT 1, CD46, CD48, CD52 and CD53 of the Unitary Development Plan (as Modified).

INFORMATIVE(S)

You are advised that a number of relevant policies of the Unitary Development Plan were used in the determination of this case, in particular, Policies CD46, CD52, CD53, TR47 and TR48. (I51)

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M LERENCHERICS 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: 24 January 2003

My Ref: DPS/DCN/PP/02/01628/AP

ODPM's Reference: App/K5600/A/02/1105494

Please ask for: Rebecca Gill

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 18 Addison Avenue, London, W11 4QR

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

Yours faithfully

Michael J. French

Executive Director, Planning and Conservation

Enc.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

The Bell Cornwell Partnership
Oakview House
Station Road
Hook, Hampshire
RG27 9PT

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

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Date: 24 January 2003

My Ref: DPS/DCN/PP/02/01628/AP

ODPM's Reference: App/K5600/A/02/1105494 Please ask for: Mr.A. Paterson

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 18 Addison Avenue, London, W11 4QR

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

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.



Appeal Decision

Site visit made on 09 April 2003

by **Simon Rawle** BA(Hons) DipTP MRTPI Solicitor

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 **103 JUN 2003**

Appeal Ref: APP/K5600/A/02/1105494

18 Addison Avenue, London, W11

- 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 SLT Limited against the decision of the Council of the Royal Borough of Kensington & Chelsea.
- The application (Ref: PP/02/01628), dated 15 July 2002, was refused by notice dated 2 October 2002.
- The development proposed is described as a single storey garage.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. The proposed development is described in the Council's decision notice and on the planning appeal form as the erection of a single storey double garage at the rear east end of the back garden, involving raising the existing rear wall fronting Queensdale Walk and the insertion of door openings. I consider this to more accurately describe the proposal than the description given on the application forms and I shall determine the appeal on this basis.

Main Issue

2. I consider that the main issue in this case is the effect of the proposed development on the character and appearance of the Norland Conservation Area.

Planning Policy

3. Section 54A of the Town and Country Planning Act 1990 requires that applications and appeals are determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. In addition, section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty that I should have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.
4. In this case, the development plan for the area comprises the Royal Borough of Kensington and Chelsea Unitary Development Plan (UDP), 2002. Strat 1 is a principal strategic policy and advises that priority should be given to the protection and enhancement of the residential character and amenity of the Royal Borough. Amongst other things Policy CD46 states that off-street parking in forecourts and gardens will be resisted if it would result in the loss of a material part of the garden or if it would result in the demolition of the street garden wall or would lead to an unsightly breach in it. Policies CD48 and CD52 essentially give effect to the requirement of section 72(1) of the Planning (Listed Buildings and

92 Conservation Areas) Act 1990 that special attention should be paid to the desirability of preserving and enhancing the character and appearance of the conservation area. Amongst other things, Policy CD53 seeks to ensure that all development in a conservation area is to a high standard and is compatible with the character, scale, pattern, bulk, height, proportion, rhythm, landscaping and boundary treatment of surrounding development. Policy TR seeks to resist development which would result in the net loss of on-street residents' parking, although the explanatory text which accompanies the policy states that residential off street parking which results in a net increase in the number of spaces, may be permitted.

Reasons


5. The appeal property is located along Addison Avenue and is at the end of a terrace of similar properties. The rear garden backs onto Queensdale Walk, which is a traditional mews, with properties located on the eastern side facing the rear garden walls of Addison Avenue. These comprise a continuous brick wall which varies in height. The rear garden wall of the appeal property has largely been demolished to provide access for on-going building works. I understand that prior to demolition, the wall measured about 1.6 metres and was topped by a 1.5 metre trellis and both the wall and the trellis were covered with creeping plants, which have been removed.
6. The rear garden walls and trellises of the dwellings along Addison Avenue in closest proximity to the appeal property (i.e Nos 20, 22 and 24) are the highest along Queensdale Walk and measure about 3 metres. There is a double gate located to the rear of No.20, which is not currently used and there are rear pedestrian gates at Nos. 22 and 28. From my observations on the site visit, I formed the view that the character and appearance of Queensdale Walk, derives to a significant extent from the fact that the facing garden walls, whilst constructed of similar brick types, have a variety of heights, have different types and amounts of climbing and overhanging vegetation and some have additional features such as integrated garden gates. The combination of these elements of the wall add interest to the street scene and I agree with the Norland Conservation Area Policy Statement, which describes it as "a great garden wall".
7. The appeal proposal would involve the construction of a double garage at the end of the rear garden of the appeal property. The garage would have a depth of approximately 5 metres, a width of about 6 metres and a height of about 2.9 metres. The building would have two pitched roofs and a valley gutter. Vehicular access would be obtained from Queensdale Walk and would involve the reconstruction of the rear wall to a height of about 2.9 metres and the insertion of two garage doors which would be 2.1 metres high and wide and would be divided by a 0.5 metre brick pier. A back gate to provide pedestrian access is also proposed.
8. The Council would appear to have two principal concerns. The first relates to the effect that the introduction of the garage doors would have on the appearance of the Conservation Area and the second relates to the effect that an increase in vehicles, which could use the garage at any time of the day and night would have on the character of the Conservation Area. In addition, a neighbour has expressed concern that the proposed garage would result in the loss of a material part of the garden.
9. In relation to the insertion of garage doors, I am of the view that they would be compatible with the appearance of Queensdale Walk as they would add an interesting additional feature to the garden wall facing the mews properties and similar to the gates at No. 20, would add

variety to the street scene. In fact, garage gates are characteristic of traditional mews properties and can be seen already at No. 11 Queensdale Walk and at No. 5 Pavener's Close. I have also considered the proposed height of the new rear wall and have concluded that as it would be lower than the height of the previous enclosure which comprised a wall and trellis, and it is about the same height of the other walls and enclosures at the southern end of Queensdale Walk, the proposed height of the wall is appropriate and compatible with the character of the area.

10. Turning to the second concern, I have concluded that the introduction of two additional cars using Queensdale Walk would not have an adverse impact on the character of the area. This conclusion is based on the fact that there are eleven existing car parking spaces located in the mews. Given the likely extent of existing vehicle parking in Queensdale Walk, arising from the existing parking spaces, two additional cars driving to the end of the mews to enter the proposed garage would not materially affect the character of the area.
11. In reaching this conclusion, I have also considered the fact that at present, cars park on the single yellow lines located at the southern end of Queensdale Walk during unrestricted hours. However, this practice is likely to make the manoeuvring of vehicles within the mews particularly difficult at certain times of the day and night and consequently is not something that should be encouraged. Certainly, the desire to continue this activity cannot be considered a reasonable ground on which to dismiss this appeal. Furthermore, the provision of two off street car parking spaces, which are not at the expense of existing on-street spaces is a net increase in the total parking provision of the area in accordance with the aims of Policy TR48
12. In relation to the neighbour's concern that the proposal would result in the loss of a material part of the existing garden, it is common ground between the Council and the appellant that about 77% of the rear garden would be retained if the garage proposal was implemented. This would leave a garden with a depth of about 17 metres to serve the appeal property, which I consider adequate to ensure that the character and appearance of the area is preserved.
13. I therefore conclude that the appeal proposal would be compatible with the surrounding area and that accordingly the character and appearance of Norland Conservation Area would be preserved and that as such the proposed development would not conflict with the objectives of Policies Strat 1, CD46, CD48, CD52 and CD53.

Other Matters

14. I have considered all the other matters raised, including the considerable opposition from the residents of Queensdale Walk. In addition to their concerns in relation to the effect on the character and appearance of the Conservation Area, which I have dealt with above. Other issues raised include, the possibility that an undesirable precedent would be set, that there is inadequate manoeuvring and turning space at the southern end of Queensdale Walk, which could result in damage to property and the proposal would result in an unacceptable level of noise and fumes from additional traffic and safety concerns. I will address each concern in turn.
15. As far as the possibility of setting a precedent is concerned, I have considered this case on its own merits in relation to the development plan. The main concern would appear to be that the other houses along Addison Avenue would submit an application for a garage in



their garden also accessed from Queensdale Walk. However, from my site visit I observed that the appeal site along with No. 20 Addison Avenue, are the only properties that could be accessed from Queensdale Walk, without affecting existing on-street residents' parking spaces. No. 20 already has a double width garage door to the rear and any proposed garage development that required planning permission would have to be considered on its own individual merits. Conversely, the other properties could not provide access to their rear gardens without the loss of on-street car parking spaces, which on the face of it appears to be contrary to Policy TR48.

16. I have concluded that there is adequate manoeuvring and turning space at the southern end of Queensdale Walk to serve the garages, which is consistent with the view of the Director of Transportation and Highways. Accordingly, I consider that the possibility of damage caused to the properties along Queensdale Walk as a result of inadequate manoeuvring and turning space highly unlikely.
17. Furthermore, I have considered whether the additional traffic that would use Queensdale Walk, the closing of garage doors late at night and fumes from the cars using the garages would have an unacceptable impact on the living conditions of the local residents. However, it is unlikely that development of the scale proposed would have such a significant impact on the living conditions of local residents to justify dismissing the appeal. Finally, I have considered safety aspects and I have concluded that there would be no material increase in the risk to pedestrian safety or children playing within Queensdale Walk as a result of the proposal.

Conditions

18. I have considered the conditions suggested by the Council, which are agreed by the appellant, having regard to the advice in Circular 11/95. I do not consider that a specific condition restricting the garage accommodation to car parking is necessary as even if the garage was used for another purpose incidental to the use of the house, there would be no adverse impact on the character and appearance of the conservation area. In addition, I agree that it is important to ensure that the development is carried out in full accordance with the drawings and other particulars forming part of the original application. However, my formal decision specifies this in any event and consequently a specific condition is not considered necessary. Furthermore, in light of the importance of preserving and enhancing the character and appearance of the conservation area, it is important that the rear wall is constructed in a similar style with similar materials to match the original wall and the garage doors are made of a suitable material and accordingly, I will impose an appropriate condition in this regard. Finally, I shall impose the usual condition relating to the commencement of the development.

Conclusions

19. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

20. In exercise of the powers transferred to me, I allow the appeal and grant planning permission for the erection of a single storey double garage at the rear east end of the back garden involving raising the existing rear wall fronting Queensdale Walk and the insertion

of door openings at 18 Addison Avenue in accordance with the terms of the application (Ref: PP/02/01628) dated 15 July 2002, and the plans submitted therewith, subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
- 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted including details of the materials to be used for the proposed doors, together with the details of facebonds and pointing have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Information

21. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
22. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
23. Attention is drawn to the provisions of section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires consent to be obtained prior to the demolition of buildings in a conservation area.
24. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.


INSPECTOR



The Planning Inspectorate

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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/02/01628
Our Ref: APP/K5600/A/02/1105494
Date: 3 June 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY SLT LTD
SITE AT 18 ADDISON AVENUE, LONDON, W11 4QR

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

Thomas Camp PP

Mr Dave Shorland

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DATE: ...4 June 2003...

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL18 Addison Avenue, 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

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