

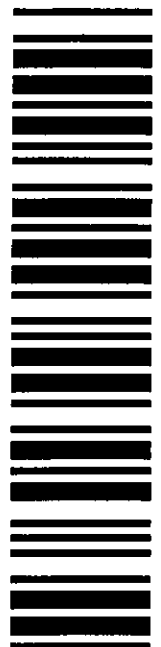
**ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA**

**DOCUMENT SEPARATOR**

**DOCUMENT TYPE:**

**APPEAL**

\*APPE\*



\*APPE\*

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# 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

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

FILE COPY

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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

2<sup>nd</sup> 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**

## The Planning Inspectorate

Further information about us and the planning appeal system is available on our website [www.planning-inspectorate.gov.uk](http://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  
& CHelsea

LPA's application reference no PP102/00073/CHSE

Date of the planning application 04:12:01

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

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#### 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)

4.6m<sup>2</sup>

#### 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.

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## 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
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

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## 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:

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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. ☐

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

# **K. PLEASE SIGN BELOW**

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

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

Signature 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

### • 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

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

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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2-16 Colegate  
Norwich NR3 1BQ

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

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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

6<sup>th</sup> 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*

**Paul Hughes**

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

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# 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 0117-3728006  
Fax No 0117-3728443  
GTN 1371-8930

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Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
3<sup>rd</sup> 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

*D Shorland*

Mr Dave Shorland

211B(BPR)

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

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# 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

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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)

# 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: 27<sup>th</sup> September 2002

3<sup>RD</sup> PARTY LETTERS DUE: 11<sup>th</sup> Oct SENT: 8<sup>th</sup> Oct.

QUESTIONNAIRE DUE: 11<sup>th</sup> Oct SENT: 8<sup>th</sup> Oct.

WRITTEN REPS STAT DUE: 8<sup>th</sup> NOV SENT: 6/11

~~INFORMAL HEARING STAT DUE:~~ SENT:

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

~~PROOF EXCHANGE DUE:~~ SENT:



# 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

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

Your Ref:

PP/02/00073/CHSE

APP/K5600/A/02/1099355

27 September 2002

DIR	CLERK	OUR REF
R.B.	K.C.	30 SEP 2002
N	C	SW
SE	AD	IS
REC	ARR	PLN
DES	FEES	

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)

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NEW APPEAL

DATE: 2-10-02

TO: DEREK TAYLOR

/ PAUL KELSEY

JOHN THORNE

/ BRUCE COEY

48

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

**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.

# 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:

53

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?

*Notif. letter dated →*

8<sup>th</sup> Nov '02

8<sup>th</sup> 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~~ **DELEGATED**

iii) any relevant committee minute

Number of Documents Enclosed

N/A

✓

✓

✓

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:-

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.

YES / NO

54

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 \_\_\_\_\_

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

This document is printed on a recycled (UK) paper containing 100% post-consumer waste

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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

---

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

**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 ..... 56

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

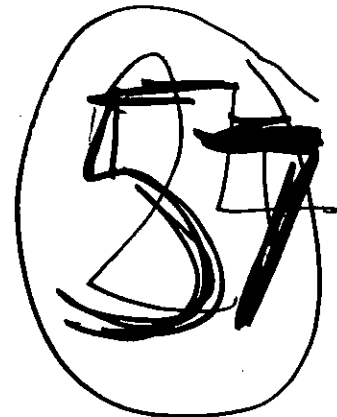
☐ ALL OBJECTORS/SUPPORTERS

☐ STATUTORY BODIES ORIGINALLY NOTIFIED

☐ ENGLISH HERITAGE

☐ OTHERS:.....

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

16<sup>th</sup> 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

Tim Ahern

# PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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

5<sup>th</sup> November 2002

THE ROYAL  
BOROUGH OF



KENSINGTON  
AND CHELSEA

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

Your reference: App/K5600/A/02/  
1099355

Please ask for: Sarah Gentry

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.

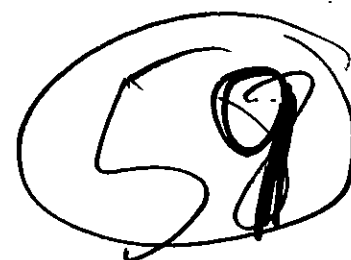
It is considered that, with this letter, the delegated report clearly amplifies the Council's reasons for the refusal of planning permission. These documents, together with this letter, constitute the Royal Borough's representations.

### ***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)**

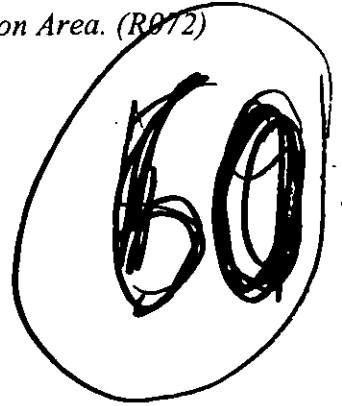
***Reason:- To safeguard the amenity of neighbouring property, and in particular to prevent overlooking: (R091)***

**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

A handwritten signature, possibly '60', is enclosed within a hand-drawn oval. The signature is written in a dark, bold ink.

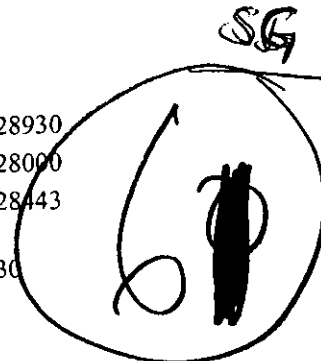


# The Planning Inspectorate

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/02/00073/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)

EX	HDC	TP	CAC	AD	CLU	AO
MR						AK
R.B.		12 NOV 2002		PLANNING		
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPL	DES	FEE

(37)





# The Planning Inspectorate

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

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

Direct Line 0117-3728645  
Switchboard 0117-3728000  
Fax No 0117-3728804  
GTN 1371-8645

SG  
62

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.

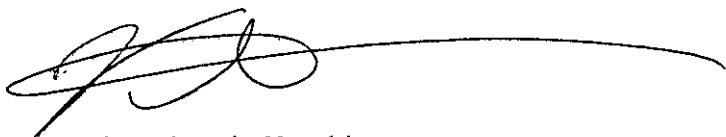
The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

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.

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.		- 6 JAN 2003				PLANNING
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEE

52

Yours faithfully

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

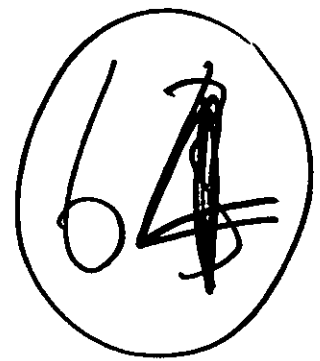
Miss Victoria Hutchinson

A handwritten number '63' enclosed within a hand-drawn oval circle.

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

209D

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



---

**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

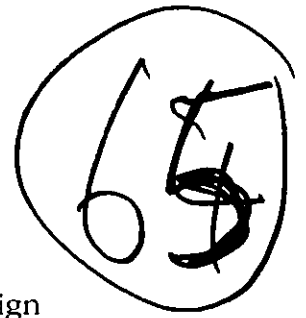
Erection of an extension between the first and second floors to the rear

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.

66

## 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 (14<sup>th</sup> September 2001). The application was refused permission on 24<sup>th</sup> 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 case harm to the character and appearance of the building, the terrace and the Conservation Area in which if 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 case 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 appeallant, 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.

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- 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 25<sup>th</sup> 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 25<sup>th</sup> February 2002)
  - h) There would be no overlooking.
  - i) The detailed design is entirely in keeping with rear extensions of it's 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 25<sup>th</sup> 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.*

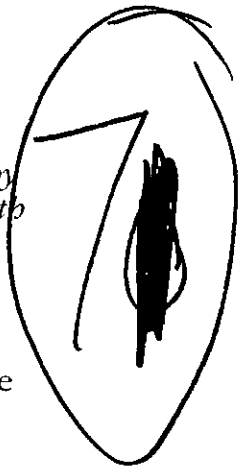
*4.3 The property is an addition to the terrace and it is set back from the general building line. The other properties in the terrace do not have extensions at this level. Policy CD41 states that rear extension will normally be resisted if the extension would rise above the height of neighbouring and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

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## 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*  
*7<sup>th</sup> November 2002*