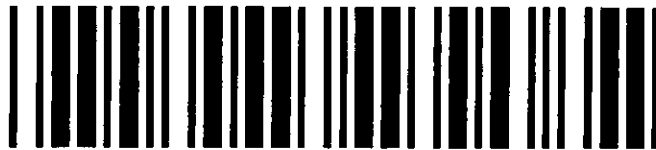


ROYAL BOROUGH
OF
KENSINGTON & CHELSEA

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL



APPE

APPEALS TIMETABLE

ADMINISTRATION

Initials

Time
Hours
31

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

FAX FROM

NAME: Mr Rowland

THE DIRECTORATE OF PLANNING SERVICES

DATE: 20th May 2003

MAIN TELEPHONE NUMBER: 020 7937 5464

DIRECT LINE: 7361 3266

FAX NUMBER (if different from below): _____

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

32

TO

NAME: Mr David Shortland

OF: The Planning Inspectorate

ADDRESS: _____

POSTAL CODE _____

FAX NUMBER: 0117 372 8443

NUMBER OF PAGES TO FOLLOW: 20

COMMENTS AND/OR INSTRUCTIONS (if any)

Faxed copy for your information. Hard Copies to follow.
1st class.

OUR FAX NUMBER IS: 020 7361 3463

The Planning Inspectorate

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

For official use only
Date Received

PLANNING APPEAL FORM

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

Please use a separate form for each appeal

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

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

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

Please print clearly in capitals using black ink

A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

Address

Postcode

Daytime phone no

Fax no

E-mail address

B. AGENT DETAILS FOR THE APPEAL (if any)

Name

Address

Postcode

Your reference

Daytime phone no

Fax no

E-mail address

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA LPA's application reference no.

Date of the planning application

Date of LPA's decision notice (if issued)

D. APPEAL SITE ADDRESS

D

Address

12-14 POTTERY LANE

LONDON

Postcode

W11 4LZ

Note: Failure to provide the full postcode may delay the processing of your appeal.

Is the appeal site within a Green Belt?

YES NO

E. DESCRIPTION OF THE DEVELOPMENT

Size of the whole appeal site (in hectares)

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

120m²Has the description of the development changed from that stated on the application form? YES NO

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

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 on the application form or 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

G

CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

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

Please tick ✓

1. WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

a). If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land? YES

NO

b). Is it essential for the Inspector to enter the site to check measurements or other relevant facts? YES

NO

If the answer to 1b is 'yes' please explain

ONLY IF THE INSPECTOR WISHES TO PERSONALLY

VERIFY MEASUREMENTS OF CAR PARKING SPACE

2(a). HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

(b) INQUIRES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are needed for appeals that:

- are complex and unduly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

H. GROUNDS OF APPEAL

H

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, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

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

Please continue on a separate sheet if necessary.

SEE ENCLOSED APPEAL STATEMENT

APPEAL STATEMENT

Site Address: 12-14 Pottery Lane, London W11 4LZ
LPA: The Royal Borough of Kensington & Chelsea
LPA Ref: PP/02/01933



This appeal is against condition number 2 of the LPA's decision notice dated 8 October 2002, which states that the whole of the car parking space shown on the drawings shall be provided before the dwellings are occupied and be permanently retained for this purpose, to prevent obstruction of the surrounding streets and safeguard the amenity of the area.

1. Fulfilling the condition

The existing car parking space measurements are as follows:

maximum width	2.29m (7 ft 6in)
maximum length	4.35m (14ft 3in)
entrance width	1.88m (6ft 2in)

This is less than the LPA's own guidelines on minimum garage sizes, which are:

length:	4.8m
width:	2.4m

In addition to being outside these guidelines, the dimensions of the existing car parking space are too small for the average car. Even for smaller 'city' cars, it would be problematic for drivers to park and get out of the car in this space. In my opinion, these measurements indicate that the existing space is not capable of fulfilling this condition.

2. Obstruction of surrounding streets

The streets surrounding the site are all in a controlled parking zone. Drivers either require a permit issued by the LPA or must pay meter charges. The effect this has had on the area is to ensure that there are always empty parking spaces of both varieties and the loss of this garage is unlikely to result in obstruction of the surrounding streets. I note that there is almost always a free residents' parking bay in Pottery Lane itself.

3. Safeguarding the amenity of the area

There is only 0.88m (2ft 11in) distance between the garage entrance (front line of the property) and the roadway. Pottery Lane is a narrow road with fast moving two-way traffic and is particularly busy at commuting and late evening times. The property is located at one of the narrowest points of the road. As manoeuvring a vehicle in and out of the garage would require lining the car up very precisely with the narrow entrance and involve reversing the car either in or out of the garage, it is likely that the road could be obstructed for some time and is potentially dangerous, due to limited sight lines. As the garage is most likely to be used at busy times of day, it is probable that there would be considerably more noise as traffic builds up in this narrow road waiting for the garage user to park a car.

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). 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 (see *Guidance Notes*) 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
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

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 CERTIFICATES (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 'Tenants 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
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

J. ESSENTIAL SUPPORTING DOCUMENTS

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The documents listed in 1-6 below, must be sent with your appeal form; 7-11 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 Ordinance Survey map).
- 5. A list (stating drawing numbers) and copies of all plans, drawings and documents sent to the LPA as part of the application. (COVERING LETTER TO LPA WITH ORIGINAL APPLICATION)
- 6. A list (stating drawing numbers) 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). N/A

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

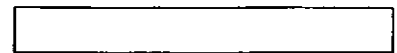
(Signed forms together with all supporting documents must be received by us within the 6 month time limit)

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



(on behalf of)



Name (in capitals)

COLIN DAY

Date

3 APRIL 2003

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration 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**

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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