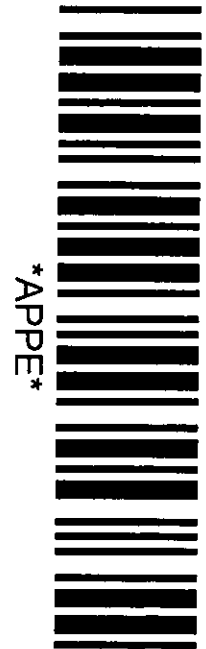


ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA

DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL



\*APPE\*

Car Segment & max length	Total registrations & Market share % in 2000	Cumulative % of market	Example of car model	Dimension (m) (length x width) (a)	Width m including 2 mirrors	Width m with door open 50° (average 0.54m) (a) + .54m	Width m with door open 30° (average 0.38m) (a) + 0.38m
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Remaining segments (see note 2 above)	342,000 16%	100%	Various	*	*	*	*

**TABLE B Dimensions of UK Cars**

Source: Society of Motor Manufacturers and Traders Ltd (SMMT) Segment Briefs '86-'02, except dimensions in column 4, source Which Car? September 2002.

GP 15/5/03

**APPEAL**

**12-14 POTTERY LANE W11**

**LIST OF DOCUMENTS**

- 1) Site Plan
- 2) Planning Application dated 16<sup>th</sup> August 2002.
- 3) Planning Permission dated 8<sup>th</sup> October 2002.
- 4) Report submitted to the Executive Director, Planning and Conservation for approval under Delegated powers.
- 5) Extract from the "Transportation" chapter of the Unitary Development Plan .
- 6) Table B, Dimensions of UK cars.

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and living within a short walking distance of the development. This approach can be adopted by developers when provision limited to the maximum off-street parking standard would be prohibitively expensive and the provision of additional spaces would allow economies of scale to be made. This is most likely to occur when excavation is required to provide basement car parking. The Planning Standards Chapter gives the parking standards.

- 7.21.26 The Council recognises that in some cases proposals for residential development will not include off-street parking, or adequate off-street parking to accommodate the demand for parking from residents. This may be for townscape reasons, or because the building is of architectural or historic interest or for those reasons set out in paragraph 61 of PPG3.
- 7.21.27 In those circumstances where no, or reduced off-street parking is proposed the Council will wish to ensure that such development does not generate unacceptable levels of on-street parking demand or exacerbate already severe problems of restricted on-street provision (see Policies TR36 and H6). When a residential development is proposed with no on-site car parking provision, adequate means must be agreed with the Council to avoid any increase in on-street parking demand resulting from the development. It will consider ways of avoiding any increase in on-street parking pressures, through the use of Planning Obligations (see Policy MI1). For example, the Council will consider making more effective use of existing alternative off-street parking where there is spare capacity. The Council will resist inappropriate development unless means can be agreed to avoid any increase in on-street parking demand.

**TR42 To require new residential development to include off-street parking up to the maximum standards adopted by the Council and contained in Chapter 13 of the plan, except:**

- a) **in locations, such as town centres, where services are readily accessible by walking, cycling or public transport;**
- b) **which provide housing for elderly people, students and single people where the demand for car parking is likely to be less than for family housing;**
- c) **involving the conversion of housing or non-residential buildings where off-street parking is less likely to be successfully designed into the scheme;**

- d) **where, for specific townscape reason or because the building is of architectural or historic interest, off-street parking is less likely to be successfully designed into the scheme.**

7.21.28 For the avoidance of doubt, Policy TR42 refers to all forms of residential development: new build; redevelopment; changes of use; and conversions.

**TR43 To resist development which would result in the loss of off-street residential parking.**

7.21.29 The Council considers it vital to maintain the supply of on-street residents' parking, to ensure that residents have access to parking. The Council will therefore normally resist the loss of on-street residents' parking spaces.

**TR44 Normally to resist development which would result in the net loss of on-street residents' parking.**

7.21.30 Proposals for additional residential off-street parking which result in a net increase in the number of spaces, may be permitted. Off-street parking must be able to accommodate all sizes of car and meet planning requirements, in particular those in the Conservation and Development Chapter.

## **7.22 HELICOPTER FACILITIES**

7.22.1 There is increasing pressure for the provision of further helicopter facilities in central London. The Council is concerned that helicopters flying over the Borough lead to an increased nuisance from noise. While recognising the demand for helicopter services, the Council believes that these should be restricted and routed to the approved airway along the River Thames to keep noise at an acceptable level. The Council will therefore consider any proposal for additional helicopter facilities in central London in line with its policies on development, but with particular emphasis given to noise and environmental pollution, traffic generation and all other appropriate policies. The adverse effect of helicopter facilities on the Borough's character and appearance is considered in the Conservation and Development Chapter.

**TR45 To resist the development of helicopter facilities which would result in increased noise over the Borough and increased pressure on the transport networks within the Borough.**

Transportation

Car Segment & max length	Total registrations & Market share % in 2000	Cumulative % of market	Example of car model	Dimension (m) (length x width) (a)	Width m including 2 mirrors	Width m with door open 50° (average 0.54m) (a) + .54m	Width m with door open 30° (average 0.38m) (a) + 0.38m
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Remaining segments (see note 2 above)	342,000 16%	100%	Various	*	*	*	*

**TABLE B Dimensions of UK Cars**

Source: Society of Motor Manufacturers and Traders Ltd (SMMT) Segment Briefs '86-'02, except dimensions in column 4, source Which Car? September 2002.

GP 15/5/03

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**PLANNING AND CONSERVATION**

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THE TOWN HALL HORNTON STREET LONDON W8 7NX

**Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS**

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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: 20 May 2003

My Ref: DPS/DCN/PP/02/01933/AP

ODPM's Reference: App/K5600/A/03/1114614

Please ask for: Rebecca Gill

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 12/14, Pottery Lane, London, W11 4LZ**

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

Yours faithfully

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

Enc.



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# The Planning Inspectorate

AP.

4/13 Kite Wing  
 Temple Quay House  
 2 The Square  
 Temple Quay  
 Bristol BS1 6PN  
<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728267  
 Switchboard 0117-3728000  
 Fax No 0117-3728139  
 GTN 1371-8267

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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/02/01933/CUSE  
 Our Ref: APP/K5600/A/03/1114614  
 Date: 29 July 2003

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY MR COLIN DAY T/A**  
**SITE AT 12-14 POTTERY LA, LONDON, W11 4LZ**

EX DIR	HDC	TF	CAC	AD	CLU	AO AK
R.B. K.C.		30 JUL 2003			30 PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

The Inspector appointed to determine this appeal has asked me to write to you, as he feels that there are some points which need clarifying before a decision can be reached. This appeal is against condition 2 attached to a planning permission.

However, the Inspector considers that Condition No 3 would need to be re-worded to bring it into line with paragraph 17 of Circular 11/95 and would welcome your comments on the revised wording below.

“Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be constructed in the east elevation of the development hereby permitted without the prior written approval of the local planning authority.”

The Inspector proposes to defer his determination of this appeal to allow you to consider the contents of this letter. You are invited to forward your comments within the next seven days and the Inspector will then proceed to determine the appeal.

Please ensure that your reply reaches me at the above room number by 5 August 2003. Please confirm that a copy has been sent direct to Mr Colin Day T/a, the appellant, to whom a copy of this letter has been sent.

You will appreciate that this may result in the appeal decision not being issued within our target of 5 weeks from the date of the site visit.

Yours faithfully

Miss Lynne Young



**TR 43 (formerly TR47) " To resist development which would result in the loss of off street residential parking."**

6. All the policies in the UDP are in accordance with Government Guidance, as they reflect the conditions that the Council must deal with in this particular area. The Policies have been approved by the Inspector during the recent UDP process.
7. It is accepted that the garage protected by condition on the grant of planning permission dated 8/10/02, does not comply with the Council's recommended minimum standards. From the scale plans it would appear that the garage measures 4.5m x 2.35m compared with the recommended 4.8m x 2.4m .In other words the garage is approximately one foot shorter than the minimum recommended and two inches narrower.
8. A garage of these dimensions can accommodate up to 84% of the new car registrations on the market. This is shown in **Table B** attached. The Council contends that the garage further provides useful off street parking space as it can also accommodate cycles and motorcycles. Slightly smaller garages are common in mews and mews type streets; property owners ensure that the car they buy is an appropriate size.
9. The application for the change of use was granted in October last year with express condition that the retention of the off street space would be necessary for the residential use.
10. The Appellant states that it would be dangerous manoeuvring in and out of the garage, given the volume and speed of the traffic on Pottery Lane. In reply the Council would state that:
- Pottery Lane is classified as a local road, providing for local access only. The volume of traffic varies depending on local demand, and there is an appreciable volume during the peak hours;
  - The narrowness of the Lane means that traffic moves slowly while drivers take account of the conditions;
  - The Lane is also a well used by cyclists and pedestrians, which again tends to reduce driver speed.
  - There have been no personal injury accidents recorded in Pottery Lane since 1990 (apart from an underage motorcyclist losing control at the far north of Pottery Lane in 1991.) There are other garages in similar locations in the Lane, and no accidents have been brought to the Council's attention.
  - A driver emerging from the garage would have a reasonably good view of approaching traffic. Research by the Council into accidents involving manoeuvres in and /out of private roads and drives (1999 -2001) demonstrated that manoeuvring out from private drives was not generally a hazardous operation.
  - Similar conditions are widespread in a built up area such as this.

1. The Royal Borough is the most densely populated local authority area in the UK and has a close network of residential street. Car ownership is 50% (households with access to one or more cars) for the Borough as a whole and 65 % in Norland Ward where the Appeal premises are situated (1991 census figures).
2. The whole of the Borough is covered by a controlled parking zone (CPZ) comprising residents' bays, Pay and Display bays (P&D) and others for Doctors, Disabled badge holders, Diplomats etc. The hours of control are 0830 – 1830 Monday to Friday and, in this area 0830 –1330 on Saturdays. The controls extend to 2200 Monday to Friday on residents' bays in most areas. There are 26,000 residents' bays and 41,500 current residents' parking permits for the Borough. For this Ward the figures are 1273 spaces and 2337 current permits, almost two permits per space.
3. The nature of the Borough means that there is high demand for residents' bays on street, with some areas being saturated. Saturation parking occurs when occupancy reaches 90%. **Table A** below shows the residents' parking occupancy in surrounding residential streets

Street	Approx res spaces available	Available spaces	%age occupancy
Princedale Road	76	7	92
Portland Road	106	14	85
Pottery Lane	13	2	85
Penzance Place	17	1	95
Penzance Street	21	3	86

**Table A Overnight occupancy of residential parking spaces**

Source: 1996 data

92 = saturated

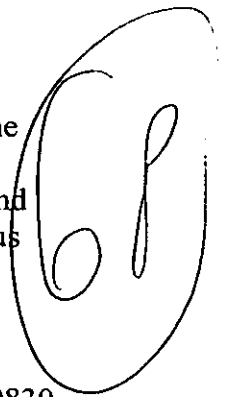
4. The effects of saturation parking are well known:
  - Residents drive around the area seeking spaces to park causing a reduction in environmental quality in local streets;
  - Residents are obliged to park some distance from their homes causing inconvenience, but more severe problems for lone women and the elderly especially at night;
  - Drivers are tempted to park in hazardous locations, for examples across accesses and too close to the radii of junctions.
5. In order to address the severe parking conditions, the Council has developed a range of policies, including Policy 43 which states,

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**PLANNING AND CONSERVATION**THE TOWN HALL HORNTON STREET LONDON W8 7NX

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**Executive Director** M J FRENCH FRICS Dip TP MRTPI Cert TS

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Miss L Young  
The planning Inspectorate  
4/13 Kite Wing  
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Temple Quay  
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Email: [plndc@RBKC.GOV.UK](mailto:plndc@RBKC.GOV.UK)  
Web: [www.rbkc.gov.uk](http://www.rbkc.gov.uk)**THE ROYAL  
BOROUGH OF****KENSINGTON  
AND CHELSEA**

30 July 2003

My reference: PP/02/1933

Your reference: App/K5600/A/03/1 Please ask for: Andrew Paterson  
114614

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990**  
**12-14 POTTERY LANE LONDON W11 4LZ**

I write to you with reference to your recent letter dated 29<sup>th</sup> July 2003, regarding the planning appeal in respect of the above mentioned premises.

I would advise you that the Council imposed condition No 3 on the planning permission dated 8<sup>th</sup> October 2002, for the very specific purpose of protecting the future residential amenity of the residents who live behind the premises. Paragraphs 1.6 and 1.7 of the report approving the original development explain the Council's reason for the imposition of the condition and state;

"1.6 Pottery Lane is a small mews type street which is made up of mainly residential property with an ever decreasing stock of offices. The building does not have any windows at the rear which look onto the properties at the rear in Portland Road and it is considered that there will not be any adverse effect upon the residential amenity of the neighboring residential properties.

1.7 The application does not propose any external alterations but it is considered prudent to remove permitted development rights for the new residential dwelling given the close proximity of the buildings at the rear, where the insertion of a single window may be completely detrimental ( fenestration alterations and insertion of windows would be considered to be permitted development)"

I would advise you that having studied the condition, I would conclude that the Inspector is correct in his opinion that for the condition to fully meet paragraph 17 of Circular 11/95, his wording, as set out in your letter, which specifies that the restriction of Permitted Development should relate only to the eastern elevation is not only reasonable but achieves what the Council set out to achieve when they imposed the original Condition No3.

**Yours faithfully**  
**Derek Taylor**  
**North Area Planning Officer**  
**For The Executive Director, Planning and Conservation.**

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