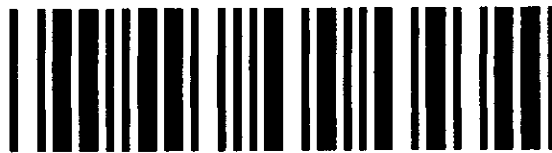
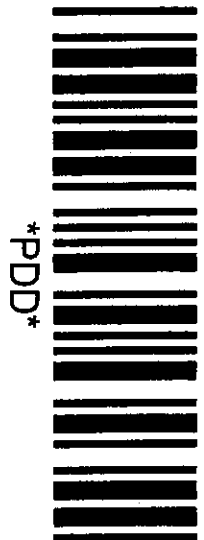


**ROYAL BOROUGH
OF
KENSINGTON & CHELSEA**

DOCUMENT SEPARATOR

DOCUMENT TYPE:

POST DECISION DOCUMENT SUBMITTED



PDD


sjberwin

EX DIR	HDC	TP	CAC	AD	CLU	AO	AR
R.B.	25 NOV 2002				PLANNING		
K.C.							
N	C	SW	SE	APP	IO	REC	
			ARB	FPLN	DES	FEES	

Date 22 November 2002
Our ref 939/N17679.1
Your ref
Partner Simon Ricketts
Direct tel 020 7533 2547

Copy**(73)**

Dear Sirs

7 Swanscombe Road, London, W11: Appeals by Notting Hill Home Ownership

Appeal against refusal by Kensington & Chelsea (application ref. PP/02/0901)

Appeal against non-determination by Hammersmith & Fulham (application ref. 2002/1161/P)

We are instructed by Notting Hill Home Ownership and submit two appeals on their behalf, in connection with a residential scheme on a site that straddles the two above London Boroughs.

As the two appeals relate to a single scheme, we submit a single statement of case that deals with both appeals and respectfully request that the appointed Inspector deals with both appeals jointly.

Therefore, please find enclosed:

- 1 Original appeal form made under section 78 of the Town & Country Planning Act 1990 against the refusal by the Royal Borough of Kensington & Chelsea on 15 October 2002;
- 2 Original appeal form made under section 79 of the Town & Country Planning Act 1990 against non-determination by the London Borough of Hammersmith & Fulham (statutory period expired on 8 July 2002);
- 3 Statement of Case dated November 2002; and
- 4 Appendices to the Statement of Case.

By copy of this letter, and copies of the appeal forms, statement of case and appendices, we notify each of the two local authorities concerned, of these appeals.

Under article 4 of the Town & Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2001 (SI 2000/1628), we look forward to receiving your acknowledgement of both of these appeals, including notification of the starting date.

Should you have any queries in relation to these appeals, please do not hesitate to contact either Eleanor Penn (direct line: 020 7533 2547) or Simon Ricketts (direct line: 020 7533 2768) of this office, as soon as possible.

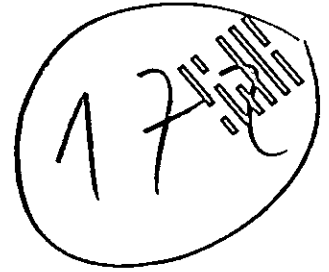
222 Gray's Inn Road
London WC1X 8XF
T +44 (0)20 7533 2222
F +44 (0)20 7533 2000
E info@sjberwin.com
www.sjberwin.com
DX 255 London

SJ Berwin is regulated by the Law Society. A list of names of partners and their professional qualifications is open to inspection at the above office. The partners are either solicitors or registered foreign lawyers.

The Planning Inspectorate

-2-

22 November 2002



Yours faithfully

SJ Berwin

cc Nigel Lane: Notting Hill Home Ownership
John Allen: Avanti Architects
Anne O'Neill: Coudert Brothers
Derek Taylor: Royal Borough of Kensington & Chelsea
Mr Finlayson: London Borough of Hammersmith & Fulham

The Planning Inspectorate
Room 31/15 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

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

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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	<u>NOTTING HILL HOME OWNERSHIP</u>									
Address	<u>GROVE HOUSE, NO. 27</u> <u>HAMMERSMITH GROVE, LONDON</u>									
Daytime phone no	<u>020 8357 5000</u>									
Fax no	<u>020 8357 5299</u>									
Postcode	<u>W6 0JL</u>									
E-mail address	<table border="1"><tr><td>EX</td><td>IR</td><td>HOO</td><td>TP</td><td>GAO</td><td>AD</td><td>BLU</td><td>AG</td><td>AK</td></tr></table>	EX	IR	HOO	TP	GAO	AD	BLU	AG	AK
EX	IR	HOO	TP	GAO	AD	BLU	AG	AK		
	<table border="1"><tr><td>R.B.</td><td>25 NOV 2002</td><td>PLANNING</td></tr><tr><td>K.C.</td><td></td><td></td></tr></table>	R.B.	25 NOV 2002	PLANNING	K.C.					
R.B.	25 NOV 2002	PLANNING								
K.C.										

B. AGENT DETAILS FOR THE APPEAL (if any)															
Name <u>ST BERWIN SOLICITORS</u>															
Address	<u>222 GRAYS INN ROAD</u> <u>LONDON</u>														
Your reference	<u>939/N17679.1</u>														
Daytime phone no	<u>020 7533 2222</u>														
Fax no	<u>020 7533 2000</u>														
Postcode	<u>WC1X 8XF</u>														
E-mail address															
<table border="1"><tr><td>N</td><td>C</td><td>SW</td><td>SE</td><td>APP</td><td>IO</td><td>REC</td></tr><tr><td></td><td></td><td></td><td>ARB</td><td>FPLN</td><td>DES</td><td>FEES</td></tr></table>		N	C	SW	SE	APP	IO	REC				ARB	FPLN	DES	FEES
N	C	SW	SE	APP	IO	REC									
			ARB	FPLN	DES	FEES									

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS	
Name of the LPA	<u>LONDON BOROUGH OF HAMMERSMITH & FULHAM</u>
LPA's application reference no	<u>2002/1161/P</u>
Date of the planning application	<u>10.05.2002</u>
Date of LPA's decision notice (if issued)	<u>N/A</u>

D. APPEAL SITE ADDRESS

Address

7 SWANSCOMBE ROAD, LONDON

176

Postcode

W11

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)

CONSTRUCTION OF RESIDENTIAL DEVELOPMENT OF
17 UNITS COMPRISING 1, 2 AND 3-BEDROOM UNITS
(INCLUDING 11 UNITS OF AFFORDABLE HOUSING) AND
PROVISION OF 11 OFF-STREET PARKING SPACES.

Size of the whole appeal site (in hectares)

0.0859

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

1,296

F. REASON FOR THE APPEAL

This appeal is against the decision of the LPA to:

Please tick **one** box only

1. Refuse planning permission for the development described in Section E.
 2. Grant planning permission for the development subject to conditions to which you object.
 3. Refuse approval of details required by a previous outline planning permission.
 4. Grant approval of details required by a previous outline planning permission subject to conditions to which you object.
 5. Refuse to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).
- or**
6. The failure of the LPA to give notice of its decision within the appropriate period (usually 8 weeks) of an application for permission or approval.

G. CHOICE OF PROCEDURE

CHOOSE ONE PROCEDURE ONLY

Appeals dealt with by written representations are usually decided more quickly than by the hearing or inquiry methods. It is important that you read our booklet 'Making your planning appeal' about the various procedures used to determine planning appeals.

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

Please tick **one** box only ✓

1. WRITTEN REPRESENTATIONS

The written procedure involves an exchange of written statements followed by a site visit by the Inspector. The grounds of appeal should make up your full case.

2. HEARING

A hearing is a discussion of the appeal proposals. The Inspector leads the discussion. Hearings give everyone concerned the chance to give their views in a more relaxed and informal atmosphere than at a public inquiry. Hearings have many advantages, but they are not suitable for appeals that:

- are complicated or controversial;
- have caused a lot of local interest;
- involve cross-examination (questioning) of witnesses.

Although you may prefer a hearing, the Inspectorate must consider your appeal suitable for this procedure. Hearings are open to the public.

3. INQUIRY

This is the most formal of the procedures, because it usually involves larger or more complicated appeals. These are often cases where expert evidence is presented, and witnesses are cross-examined. An inquiry may last for several days, or even weeks. It is not a court of law, but the proceedings will often seem to be quite similar and the appellant and LPA usually have legal representatives. Inquiries are open to members of the public.

An inquiry is held if you or the LPA decide that you cannot rely on the written procedure and a site visit, and we have decided that a hearing is unsuitable. Sometimes we decide that an inquiry is necessary. If we do, you will be given reasons for our decision.

H. GROUNDS OF APPEAL

If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

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

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

Please continue on a separate sheet if necessary.

PLEASE SEE THE ENCLOSED STATEMENT (DATED
NOVEMBER 2002) AND APPENDICES.

H. GROUNDS OF APPEAL (continued)

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I. APPEAL SITE OWNERSHIP DETAILS

178

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

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

CERTIFICATE A

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

OR

CERTIFICATE B

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

Owner's name	Address at which the notice was served	Date the notice was served
_____	_____	_____
_____	_____	_____
_____	_____	_____

CERTIFICATES C and D

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

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

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

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

OR

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

Tenant's name	Address at which the notice was served	Date the notice was served
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

J. ESSENTIAL SUPPORTING DOCUMENTS

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

- 179
1. A copy of the original **planning application** sent to the LPA.
 2. A copy of the **site ownership certificate and ownership details** submitted to the LPA at application stage (this is usually part of the LPA's planning application form).
 3. A copy of the **LPA's decision notice** (if issued).
 4. A **plan showing the site outlined in red**, including two roads clearly named (preferably on a copy of a 1:10,000 Ordnance Survey map).
 5. A list and copies of all **plans, drawings and documents** sent to the LPA as part of the application.
 6. A list and copies of any **additional plans, drawings and documents** sent to the LPA but which did not form part of the original application (eg drawings for illustrative purposes).

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

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

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

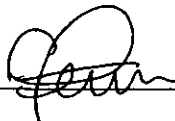
PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

K. PLEASE SIGN BELOW

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

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

Signature _____



(on behalf of) SJ BERWIN

Name (in capitals) _____

E LEANDER PENN

Date _____

21 NOVEMBER 2002

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

NOW SEND:

- **1 COPY to us at:**

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

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

- **1 COPY to the LPA**

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again, send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

- **1 COPY for you to keep**

When we receive your appeal form, we will:

- 1) Tell you if it is valid and who is dealing with it.
- 2) Tell you and the LPA the procedure for your appeal.
- 3) Tell you the timetable for sending further information or representations.

YOU MUST KEEP TO THE TIMETABLE

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

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

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

Published by the Planning Inspectorate April 2002

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2-16 Colegate
Norwich NR3 1BQ

The Planning Inspectorate

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Date received

184

PLANNING APPEAL FORM

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A. APPELLANT DETAILS

The name of the person(s) making the appeal must be the same as on the planning application form.

Name NOTTING HILL HOME OWNERSHIP

Address GROVE HOUSE, NO. 27 Daytime phone no 020 8357 5000

HAMMERSMITH GROVE, LONDON Fax no 020 8357 5299

Postcode W6 0JL E-mail address

EX	HDC	TP	OAG	AD	CLU	AO
SIR						AK
R.B.	25 NOV 2002				PLANNING	
K.G.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

B. AGENT DETAILS FOR THE APPEAL (if any)

Name S. J. BERWIN SOLICITORS

Address 222 GRAYS INN ROAD Your reference 939/N 17679.1

LONDON Daytime phone no 020 7533 2222

Fax no 020 7533 2000

Postcode WC1X 8XF E-mail address

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA ROYAL BOROUGH OF KENSINGTON & CHELSEA LPA's application reference no PP/02/0901

Date of the planning application 19.04.2002 Date of LPA's decision notice (if issued) 15.10.02

D. APPEAL SITE ADDRESS

Address

7 SWANSCOMBE ROAD, LONDON

182

Postcode

W11

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

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Please tick **one** box only

1. Refuse planning permission for the development described in Section E.
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Please tick **one** box only ✓

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If you have requested the written procedure, your **FULL** grounds of appeal must be made, otherwise we will return the appeal form.

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

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

Please continue on a separate sheet if necessary.

PLEASE SEE THE ENCLOSED STATEMENT (DATED
NOVEMBER 2002) AND APPENDICES.

I. APPEAL SITE OWNERSHIP DETAILS

AS

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