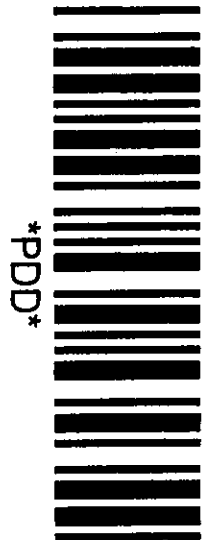


**ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA**

**DOCUMENT SEPARATOR**

**DOCUMENT TYPE:**

**POST DECISION DOCUMENT SUBMITTED**



**\*PDD\***

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**PLANNING AND CONSERVATION**

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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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S. J. Berwin Solicitors  
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Direct Line: 020-7361- 2701  
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**KENSINGTON  
AND CHELSEA**



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Date: 10 December 2002

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My Ref: DPS/DCN/PP/02/00901/DT  
ODPM's Reference: App/K5600/A/02/1104579 & H5390/A/02/1104580  
Please ask for: Mr.D. Taylor

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Appeal relating to: Site at 7 Swanscombe Road, London, W11 4SU**

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.

**Taylor, Derek: PC-PlanSvc**

**From:** Taylor, Derek: PC-PlanSvc  
**Sent:** 07 January 2003 11:46  
**To:** 'Susan Denham - private'  
**Subject:** RE: Development at 7 Swanscombe Road

202



swanscombe.dec.RTF

Happy New Year!

I was wondering why the Inspectorate hadn't yet passed on a copy of your appeal representations - now I know why! You need to get something in the post first Class by Friday at the latest for it to be taken into account.

The Planning Inspector will take his/her decision completely from scratch. The process by which the Council's decision was taken at the Committee is almost irrelevant to the Inspector, who will decide the application purely on the basis of its planning merits having regard to the policies of the UDP and all other material considerations including guidance from central government on higher housing densities etc. The appeal decision will be a balancing act based on all those considerations.

The Inspector will have seen all the letters of objection as we have copied those to the Inspectorate. But the Inspector will not have seen items produced at the Committee table by either objectors or the appellants.

I attach below, as a Word document, the Council's Notice of Refusal, with the two Reasons for Refusal set out.

Please let me know if I can advise further.

Derek Taylor  
Area Planning Officer

-----Original Message-----

**From:** Susan Denham - private [mailto:susan.denham@bbc.co.uk]  
**Sent:** 06 January 2003 18:43  
**To:** 'Derek.Taylor@rbkc.gov.uk'  
**Subject:** RE: Development at 7 Swanscombe Road

Hi Derek, and Happy New Year.

We have just returned from a month away to find that the appeal is indeed going ahead and that I need to act quickly to get something to the Inspectorate in Bristol. Just to clarify, will they get all the material we have already submitted, including the original objections from us and neighbours, as well as the materials tabled at the planning committee meeting (ie the petition and the photos)?

On what basis is the Inspectorate's decision made? Presumably it is on the 'legality' of the refusal rather than on its opinions on the balance of the arguments, or am I wrong there? i.e. is it making a decision as if from scratch or is it asking the question 'are there grounds to overturn the Committee's decision'?

The note we were sent from the Council did not include the Committee's reasons for refusing the application, and had only a 'summary' page from the applicants. Is there more that I could see and if so, how?

I look forward to hearing from you

Regards  
Susan

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**PLANNING AND CONSERVATION**

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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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---

Date: 10 January 2003

---

My Ref: DPS/DCN/PP/02/00901/DT  
ODPM's Reference: App/K5600/A/02/1104579 & H5390/A/02/1104580  
Please ask for: Mr.D. Taylor

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: Site at 7 Swanscombe Road, London, W11 4SU**

With reference to your appeal on the above address(es), enclosed you will find the Council's Statement. Two copies have been sent to the Planning Inspectorate as standard.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.

---

**PLANNING AND CONSERVATION**

---

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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

---

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THE ROYAL  
BOROUGH OF



**KENSINGTON  
AND CHELSEA**

---

Date: 10 January 2003

My Ref: DPS/DCN/PP/02/00901/DT

ODPM's Reference: App/K5600/A/02/1104579 & H5390/A/02/1104580

Please ask for: Rebecca Gill

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: Site at 7 Swanscombe Road, London, W11 4SU**

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.



# The Planning Inspectorate

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

Direct Line 0117-3728930  
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Fax No 0117-3728443  
GTN 1371-8930

DT  
205

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/02/0901  
Our Ref: APP/K5600/A/02/1104579  
APP/H5390/A/02/1104580  
Date: 14 January 2003

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEALS BY NOTTING HILL HOME OWNERSHIP  
SITE AT 7 SWANSCOMBE ROAD, LONDON, W11.**

I enclose third party correspondence relating to the above appeals.

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 DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		15 JAN 2003			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

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THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA  
THE TOWN HALL KENSINGTON W8 7NX

Tel: 020 7937 5464 Fax: 020 7938 1445

Councillor Richard Walker-Arnott DL

Norland Ward

The Planning Inspectorate  
Room 3/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

11<sup>th</sup> January 2003

Dear Sir/Madam

Planning Appeal relating to a site at 7 Swanscombe Road London W11 4SU  
ODPM Reference:- App/K5600/A/02/1104579 & H5390/A/02/1104580

I write to submit a representation in respect of the above-mentioned appeal. My original objections to the application, dated 17<sup>th</sup> July 2002, have I understand been copied to the Inspectorate by the Royal Borough's planning department. I stand by those objections. I have been sent the Summary and Conclusion of the appellants' grounds for appeal, and have the following additional comments to make.

The appellants say that the appeal scheme represents an appropriate design solution. That can only be a matter of opinion. In my opinion, in that of the immediately local residents to whom I have spoken and in that of the Norland Conservation Society (representative of the residents of the wider Norland Conservation Area) it most emphatically does not.

The appellants say that the design treatment of the appeal scheme will enhance the character and appearance of this part of the Norland Conservation Area. That it will change the appearance of this part of the Conservation Area is true. That it will enhance its appearance is, again, a matter of opinion. I, the local residents and the Norland Conservation Society think it will not. That is because the appeal scheme takes as its point of reference the new buildings in the nearby Edward Woods Estate, not the Norland Conservation Area of which the building would be a part. The detrimental effect which I believe the scheme will have on the Conservation Area amounts in my opinion to the "material harm" to townscape which is one of the possible additional reasons which the planning committee needs before it will accept a case for refusal on the grounds of high density. I therefore dispute the appellants' argument in the third paragraph of their Summary and Conclusion, where they claim that the scheme is not in conflict with the Royal Borough's UDP policies.

07

The appellants make several references to support for the scheme expressed by officers of the Royal Borough's planning department. The appellants do not say that those same officers said in paragraph 6.1 of their original report to committee that there were three issues any one of which might have justified a refusal, but that each was thought "on balance" not to provide such justification. It is my opinion (and I think it would be true to say the opinion of most members of the committee which considered the application) that the accumulation of three such issues must amount to a decisive reason for refusal.

I am as keen as the appellants for the provision of much needed affordable and other housing, and for a derelict site to be brought back into use. The appellants mention "a development of modern architectural design which has previously been approved for the appeal site". That scheme is far from satisfactory in my eyes, but I did not object to it because I thought the possible objections were outweighed by the benefits which it would bring. The appeal scheme has in my opinion been brought forward because the appellants are now worried that the scheme for which approval exists is not financially viable.

The appeal scheme has therefore had to be made larger, the objections inherent in the earlier scheme are correspondingly greater, and the balance of advantage has tipped against it. The appellants ought to try again. They have, after all, extensive experience in devising solutions to local housing problems. I was therefore surprised when they did not respond to the planning committee's request at its July meeting that they should discuss with the planning officers the number of units in the scheme, and its density and design. I do not think that affordability of a scheme is a planning issue, and I very much hope that the Inspector will, in agreeing with me, cause the appellants to deploy their undoubted technical ingenuity in matters of housing finance to the production of an acceptable scheme.

Yours faithfully

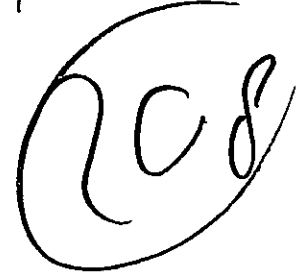


Richard Walker-Arnott



ODPM: App (K5600/A/02/1104579 + H5390/A/02/1104580

Susan Denham Wade and Robert Wade  
33 St Ann's Villas  
London, W11 4RT  
(020) 7602 4331  
07711 009 127 (mobile)  
[susan.denham@bbc.co.uk](mailto:susan.denham@bbc.co.uk)



3<sup>rd</sup> January, 2003

The Planning Inspectorate,  
Room 3/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol, BS16PN

RE: PLANNING APPEAL RE SITE AT 7 SWANSCOMBE ROAD W11 4SU

Dear Sir or Madam,

We live in a listed building at the corner of St Ann's Villas and Swanscombe Road, immediately to the East of the site in the same block. We submit these representations to you as a supplement to those already made, copies of which I understand you will have received and to which I therefore refer you. From the outset we have objected most strongly to this Proposal, as have our neighbours, our local Ward Councillors and the highly respected Norland Conservation Society. I addressed the Planning Committee meeting on behalf of neighbours to the site, outlining our objections. At that meeting I presented a petition signed by all the residents in the surrounding block. The signed petition was left with the Committee; unfortunately I understand that it may not have been passed on to you, and I did not keep a copy. To reiterate, our objections are, as a group of neighbours:

1. That the scale, bulk, density and appearance of the Proposal are out of character with the block and would cause a material harm to the Conservation Area in which it sits. This is discussed in more detail below.
2. That the Proposal would create further traffic and parking problems in this very busy part of the Borough.

And, as a family:

- 109
3. That the Proposal would involve a significant and unreasonable worsening of light conditions for our home. The RBKC Planning Officer confirmed that we would lose daylight and winter sun on a site visit;
  4. That the Proposal would cause a material loss of privacy for us, as it would result in a very significant and unreasonable worsening of overlooking into our rear windows (daughter's bedroom and family room), both from the windows of the proposed development and from the terraces proposed; and
  5. That the Proposal would increase our sense of enclosure to a material and unacceptable degree;

Based purely on the facts, the Proposal breaches several planning policies. These include Density, Parking Provision, and the loss of a tree.

Regarding *Density*, the appellants acknowledge there is a significant breach of Housing Policy but say that this on its own is not a reasonable ground for refusal of planning permission where that Density does not cause material harm in terms of townscape and amenity. In response to this argument: firstly, the breach of Density is not the only breach of planning policy in this case, so the Density breach taken with others should be sufficient to refuse this Proposal. Secondly, even if Density were the only breach, this Proposal does indeed cause material harm to the surrounding area. Of course this is no longer a question purely of fact but also of judgement, and we very strongly believe that this Proposal would cause material harm to both townscape and amenity:

- (i) A substantial deterioration in the character of the block, which comprises single family homes and small scale conversions (up to 4 flats) and is a friendly area in which people know each other by name and participate in various community activities together. The Chairman of the RBKC Planning Committee commented at the planning meeting that a building of this density with such small rooms would inevitably result in 'the slums of the future';
- (ii) Significant deterioration in the appearance of the block, bringing the look and feel of the nearby Edward Woods Estate into a Conservation Area. There is currently a clear physical separation between our block (including the site) and the Edward Woods Estate. This divide is created by Swanscombe Road – a wide street with 90 degree parking and a wide paved forecourt area along its North side – to the

North, and a large grassed area and playgrounds to the West of our block. Looking as this Proposal does to the Estate for architectural references in terms of scale, bulk, style and materials is inappropriate, as this site is quite separate from the Estate. Furthermore, the Estate itself is moving away from the architecture that this Proposal seems to seek to replicate: I refer you to a new development in the Northern part of the Estate, being called 'Holland Green', which is being built of brick and only to 2 – 4 storeys, and in a style much closer to the surrounding Victorian homes than to the 60's architecture of other parts of the Estate;

- (iii) Amenity harms such as loss of light, sunlight, privacy, sense of enclosure and security to neighbouring homes, including our own, to which we have referred above;

On these matters of judgement, the RBKC Planning Committee decided that this proposal indeed does cause material harm to its neighbours. We share this view.

On *Parking*, the proposal unquestionably breaches council policy on Parking Provision. However, the Appellants claimed that as several of the units proposed would be for affordable housing, there is less need for parking provision than the Policy determines. The Planning Committee rejected this claim as being discriminatory and unfair and not a valid exception to the Policy. I endorse their view and as a resident am very concerned at the effect that this proposal would have on traffic, road safety and pressure on residential parking. The Appellants' further argument that 'physical site constraints' should except the Proposal from the policy is nonsensical: if the Proposal were not for such a huge, dense building then there would not be such a need for parking, and there would be more room for it!

The Proposal also breaches several Conservation Area policies. These concern the 'appropriateness' of a design to its surroundings; again a question of judgement. In contrast to the Coach House adjoining the site, built within the last 2 years, which enhanced the character and appearance of Swanscombe Road, this Proposal is totally out of character with its neighbourhood. I would also refer you to Caraday Villas, another new development on the Western side of the block, which is of modern design but much lower height, bulk and density, and so contributes to rather than detracts from the Area. This was also the judgement of local representatives at the Planning Committee and of the Norland Conservation Society.

210

211

Appellants claim that RBKC Officers consider that the appeal scheme achieves a 'successful relationship to its surroundings in townscape and amenity terms' and recommended the appeal scheme for approval. I would point out that the Officer's recommendation was only 'on balance'. As the matters at issue are largely questions of judgement rather than simple facts, determining where the correct 'balance' lies is a proper role for the local Planning Committee charged with developing and implementing local planning policies. I urge you to accept that judgement and refuse this appeal.

Two further points:

- ◆ The Appellants make much of the affordable housing units provided in this proposal. However the extant permission, for a much smaller development over 3 storeys, provides the same number of affordable units as the current Proposal, without the associated harm to the neighbouring area. We would welcome the development of the site as per this extant permission.
- ◆ Finally, please note that neither the Appellants nor their representatives have made any effort to discuss their proposals with us or with the Norland Conservation Society, nor to respond to the Planning Committee's original direction to reconsider the proposed treatment of the site.

In summary, we object in every respect to the proposed development. We are keen for the site to be utilised and would welcome a residential development on a smaller scale more in keeping with the character and appearance of the Conservation Area, and which did not compromise our enjoyment of our home.

Thank you in advance for your careful consideration of these matters. Please feel free to telephone, write or email for any further comment or clarification.

Yours sincerely,



Susan and Robert Wade

P.S. We would like to receive a copy of your decision letter.



# The Planning Inspectorate

3/07 Kite Wing  
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Bristol BS1 6PN

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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/02/0901  
Our Ref: APP/K5600/A/02/1104579  
APP/H5390/A/02/1104580  
Date: 22 January 2003

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEALS BY NOTTING HILL HOME OWNERSHIP  
SITE AT 7 SWANSCOMBE ROAD, LONDON, W11.**

I enclose third party correspondence relating to the above appeals.

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)

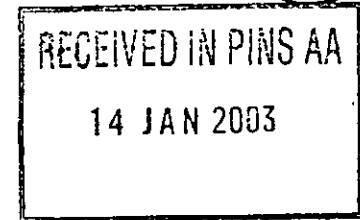
EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B.	23 JAN 2003				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES



ANDREW & SUE LAMONT  
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Tel: 020 7610 5110 Fax: 020 7603 7479

293

The Planning Inspectorate  
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Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN



9th January 2003

Ref: App/K5600/A02/1104579 & H5390/A02/1104580

Dear Sirs,

Re: Planning Application Appeal - 7 Swanscombe Road, London W11 4SU

We are the owners of the only home immediately adjacent to the site. As such we are extremely concerned with the impact the proposed development will have on ourselves, our street and our neighbourhood. The proposed design emulates the style, height, and philosophy of the estate on the opposite side of the street built for Hammersmith & Fulham Council several decades ago rather than the brick and slate constructed Victorian properties of this Kensington Conservation area where the site is located.

Every effort has been made within the conservation area to update slowly and with care to acknowledge the best of the past in compliance with the Royal Borough of Kensington and Chelsea's policies. This proposed building does not fit with the architectural design of this conservation area in any way. Our main concern however is the height and number of units in relation to the site and the road. None of the new buildings on the Edward Woods Estate are being constructed over a height of four floors albeit the estate currently has some very high buildings. As we understand it, the new buildings as part of this estate, in Hammersmith & Fulham are for Notting Hill Housing Trust and are to a maximum of four storeys. However, Notting Hill Home Ownership in our borough of Kensington & Chelsea find it acceptable to add a fifth floor. This extra floor will make it one of the most dense buildings within this sector of this borough.

The creation of 17 dwellings with only 11 parking spaces distorts the proportion of parking spaces to dwellings beyond what will, in reality, be required. Statistical examples of car ownership for affordable housing are derived from average value areas, whereas this is an expensive borough and consequently those able to afford their contribution to a property here will also be able to afford a car. The number of on street parking spaces will be reduced as a consequence of this scheme and therefore Swanscombe Road will suffer an on street parking shortage, as well as extreme congestion due to the extra cars. If the scheme is reduced to 15 units, ie four storeys, then the proportion of cars to dwellings is improved.

The sunlight charts made available at Kensington Town Hall show that after construction of a five storey building there will be no time throughout the year when we will have westerly sunlight in our north facing rooms and courtyard which we currently enjoy. Our loss of daylight and direct sunlight will be significant. If the development stopped at four storeys then we would have more chance of the amenity of daylight as would our neighbours.

214

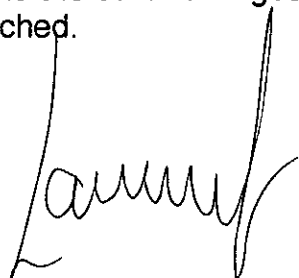
We ask that you consider the following points of concern from our point of view:

1. The lift shaft will protrude above the fifth floor flats and cast a shadow accordingly over our courtyard. Even if it is accepted that the development should only be four storeys high we request the lift shaft be exchanged with the position of the main staircase and thereby reduce the impact of its extra height above the flat roof level of the rest of the building. The lift shaft as currently positioned above a five storey building will have the effect of an extra storey in its loss of light across our garden.
2. The construction of a rear block (facing east/west) down the centre of the site will have a greater impact on our property than would the previous accepted design for the site. Although the houses and flats are 10 metres from our house there will be light loss through all of our glass blocks on our west elevation due to its height and density.
3. The most significant problem will be the southern fifth floor flat because of the angle of the sun cutting light which we currently enjoy through our glass blocks in the afternoon. This flat will have the opportunity for overlooking through our two southerly velux windows as we have a room to this rear half of the building.
4. The other flat on the fifth floor has a terrace to the east which makes it possible to overlook our courtyard and our main entrance door, which is on the first floor of our north elevation. We request overlooking be prevented. Professional advisers have suggested that if the proposed fourth floor were removed and the penthouses on the fifth floor were located on the fourth floor the building would be more sympathetic to the area.
5. We request confirmation that a laminated glass (producing a frosted effect) will be used for the windows facing east on either side of the lift shaft/staircase on every floor to prevent overlooking of our courtyard.
6. We request that in addition to the bin store near to the main entrance there be a covered structure to extend the entire length of our courtyard wall, the other portion to be used as a covered parking bay.
7. We request confirmation that their boundary/party wall continue up to the same height as our current boundary wall and they provide metal trellising fixed to this wall finishing at a height of 3.5m, as has already been agreed. We request this new boundary wall be constructed early in the development to confirm our security throughout the project.

In conclusion, we, our neighbours, the local conservation group, and the Borough Council strongly believe that this scheme is too dominant and not sympathetic to its immediate environment. However, if reduced to four storeys high and 15 dwellings with 11 parking spaces and the other changes we have requested then we will be happier with the decision reached.

Yours sincerely,

Andrew Lamont



# COUDERT BROTHERS

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① PC+LB  
② DT

27.01.15

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JAKARTA, SINGAPORE, SYDNEY, TOKYO

## ASSOCIATED OFFICES

BUDAPEST, MEXICO CITY, PRAGUE, SHANGHAI

24 January 2003

Our Ref: AON/100008.377

Derek Taylor  
Room 322  
Royal Borough of Kensington & Chelsea  
The Town Hall  
Hornton Street  
London W8 7NX

EX DIR	HDC	TP	CAC	AD	CLU	AK
R.B.	27 JAN 2003				PLANNING	(51)
C	SW	SE	AP	IO		

Dear Mr Taylor,

### 7 Swanscombe Road, London, W11 – Unilateral Undertaking

I refer to my original letter of the 20<sup>th</sup> December 2002 and our subsequent correspondence. I would be pleased to hear from you as soon as possible with any comments on the unilateral undertaking.

You will appreciate that we would like to have an agreed position on the undertaking with you so that all parties are satisfied with conditions and any other controls. We would like to ensure that if the Secretary of State determines to grant planning permission, the development could proceed to the satisfaction of all parties.

If an agreed position on the undertaking is to be reached, it is possible that after your comments are received, further discussions on the terms of the undertaking may be necessary. Clearly, therefore I would prefer to receive your initial comments on the undertaking as soon as possible, rather than wait for the 9 week deadline on submission of comments to pass.

I intend to send the completed undertaking to the Inspectorate by Thursday 20<sup>th</sup> February 2003, in order to be well in time for the 24<sup>th</sup> February 2003 deadline. However, in order to meet that deadline I would reasonably need two weeks for Notting Hill Home Ownership to consider and instruct on any final comments you may have, and then arrange to have the undertaking amended and completed.

If I do not receive RBK&C's final comments on the draft undertaking by the 6<sup>th</sup> February 2003 I