

**ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA**

**DOCUMENT SEPARATOR**

**DOCUMENT TYPE:**

**POST DECISION DOCUMENT SUBMITTED**



**\*PDD\***

# HM Land Registry



Title Number : **NGL378781**

Edition Date : 23 September 2002

*(Handwritten signature/initials)*

## A: Property Register

*This register describes the land and estate comprised in the title.*

### HAMMERSMITH AND FULHAM

1. The **Freehold** land shown edged with red on the plan of the above Title filed at the Registry and being The Sheepshank Public House, Norland Road, Notting Hill, (W11 4SU).

## B: Proprietorship Register

*This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.*

### Title Absolute

1. (18 May 1999) **PROPRIETOR:** NOTTING HILL HOME OWNERSHIP LIMITED of Grove House, 27 Hammersmith Grove London W6 0JL.
2. (18 May 1999) **RESTRICTION:** Except under an order of the registrar no disposition by the proprietor of the land is to be registered and none shall take effect unless made with the consent of the Housing Corporation when such consent is required under the provisions of section 9 of the Housing Act 1996.
3. (18 May 1999) **RESTRICTION:** Except under an order of the registrar no charge by the proprietor of the land is to be registered unless a certificate signed by the secretary or solicitor thereto has been furnished that such charge does not contravene any of the provisions of the rules of the said proprietor.

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**C: Charges Register**

*This register contains any charges and other matters that affect the land*

1. (23 September 2002) The land is subject to the rights granted by a Deed dated 18 September 2002 made between (1) Notting Hill Home Ownership Limited and (2) Thames Water Utilities Limited.

The said Deed also contains restrictive covenants by the grantor.

*NOTE: Copy in Certificate. Copy filed.*

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**END OF REGISTER**

*NOTE A: A date at the beginning of an entry is the date on which the entry was made in the Register.  
NOTE B: This is a copy of the register on 23 September 2002 at 14:59:57.*

NGL 378781

H.M. LAND REGISTRY



# The Planning Inspectorate

3/23 Hawk Wing  
 Temple Quay House  
 2 The Square  
 Temple Quay  
 Bristol BS1 6PN  
<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728098  
 Switchboard 0117-3728000  
 Fax No 0117-3728804  
 GTN 1371-8098

DI  
 150

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: 7 March 2003

Dear Madam

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

I am writing to inform you that the Inspector appointed by the First Secretary of State to determine the above appeals is

Mr Denis Seabeck DipTP MRTPI

The Inspector will visit the appeal site at 10:30am on Tuesday 1 April 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 appeals 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,

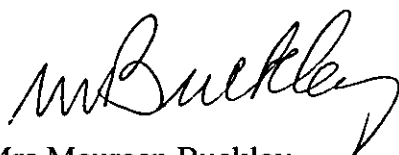
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although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.

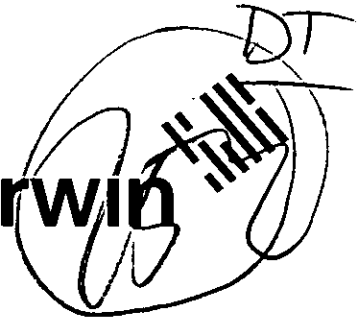
Yours faithfully



Mrs Maureen Buckley

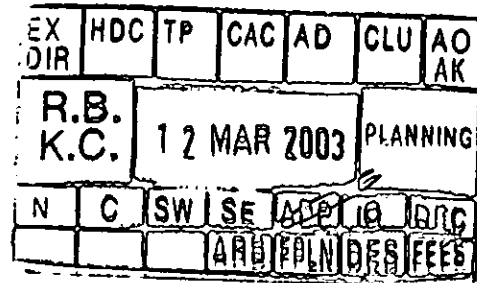
**NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.**

209D



Date 11 March 2003  
 Our ref 939/N17679.1  
 Your ref  
 Partner Simon Ricketts  
 Direct tel 020 7533 2547  
 Email eleanor.penn@sjberwin.com

By Post



Dear Mr Shorland

**Appeals by Notting Hill Home Ownership  
 Site at 7 Swanscombe Road, London, W11  
 Your Ref: APP/K5600/A/02/104579 and 1104580**

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Thank you for your letter dated 7 March 2003.

Please find enclosed one copy of the completed unilateral undertaking dated 7 March 2003, relating to the above appeals. By copy of this letter, one original completed undertaking is being sent today to the Royal Borough of Kensington & Chelsea ("RBKC").

The terms of the completed unilateral undertaking have been negotiated and agreed with RBKC.

The Notting Hill Housing Group is a joint commissioned partner of RBKC. It is a partner in assisting RBKC with its housing strategy objectives of maximising the supply of affordable housing within RBKC.

At the direction of RBKC's housing department, the 11 flats proposed for affordable housing are in receipt of a social housing grant from the Housing Corporation, to provide low cost home ownership within the appeal site.

The Sales and Marketing Plan for the appeal site is still to be agreed with RBKC.

We trust that upon the Inspector's consideration of our client's proposal, the appeal scheme will be allowed.

Yours sincerely

Eleanor Penn

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.

- cc Nigel Lane - NHHO (without enclosures)
- Ann O'Neill - Coudert Brothers (without enclosures)
- John Allen - Avanti Architects (without enclosures)
- Derek Taylor - Royal Borough of Kensington & Chelsea (with enclosures)
- Mr Finlayson - London Borough of Hammersmith & Fulham (without enclosures)

Mr David Shorland

-2-

11 March 2003

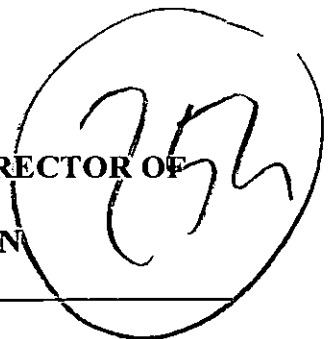
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Mr David Shorland  
The Planning Inspectorate  
2/23 Hawk Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF  
PLANNING &  
CONSERVATION



MY REF(S): RAG/PP/02/00901/DT  
& H&F ref: 2002/1161/P

YOUR REF:  
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 2081

DATE: ...30 May 2003...

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL .....7 Swanscombe Road, W11

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

**DISTRIBUTION LIST:**

- COUNCILLOR TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE
- COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE
- COUNCILLOR IAN DONALDSON
- COUNCILLOR RIMA HORTON
- COUNCILLOR BARRY PHELPS
- COUNCILLOR DANIEL MOYLAN, CABINET MEMBER FOR PLANNING & TRANSPORTATION
- TOWN CLERK & CHIEF EXECUTIVE ..... A.KHAN RM: 253
- DIRECTOR OF LAW AND ADMINISTRATION...L. PARKER RM: 315
- LEGAL ASSISTANT (ENFORCEMENT ONLY).. H. VIECHWEG RM: 315
- LAND CHARGES..... M. IRELAND RM: 306
- COUNCIL TAX ACCOUNTS MANAGER..... T. RAWLINSON RM: G29
- TRANSPORTATION.....B.MOUNT RM: 230
- EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION
- HEAD OF DEVELOPMENT CONTROL
- APPEALS OFFICER
- NORTH
- CENTRAL
- SOUTH-EAST
- SOUTH-WEST
- INFORMATION OFFICE
- FORWARD PLANNING..... G. FOSTER
- DESIGN. .... D. McDONALD
- STATUTORY REGISTER
- FILE(S)
- SYSTEMS.....C. STAPLETON



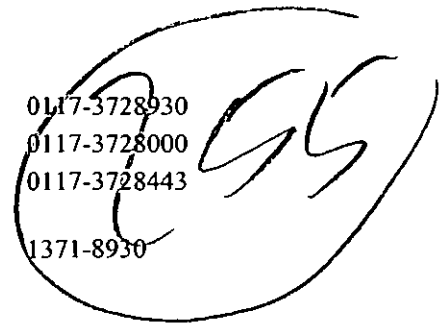


# The Planning Inspectorate

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Temple Quay House  
2 The Square  
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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: 28 May 2003

Dear Madam

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

I enclose a copy of our Inspector's decision on the above appeals.

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
2 The Square, Temple Quay  
Bristol BS1 6PN

Phone No. 0117 372 8252  
Fax No. 0117 372 8139  
E-mail: [Complaints@pins.gsi.gov.uk](mailto:Complaints@pins.gsi.gov.uk)

Yours faithfully

Mr Dave Shorland

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# Appeal Decision

Site visit made on 1 April 2003

By Denis Seabeck DipTP MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

28 MAY 2003

**Appeal Ref: APP/K5600/A/02/1104579 (Appeal A)**  
**7 Swanscombe Road, London, W11 4SU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Notting Hill Home Ownership against the decision of the Royal Borough of Kensington and Chelsea Council.
- The application ref: PP/02/00901/MAJD/52/A3, dated 19 April 2002, was refused by decision notice dated 15 October 2002.
- The development proposed is the construction of residential development of 17 units comprising one, two and three bedroom units (including 11 units of affordable housing) and provision of 11 off-street parking spaces.

**Summary of Decision: The appeal is allowed and planning permission granted subject to the conditions attached to the Formal Decision below.**

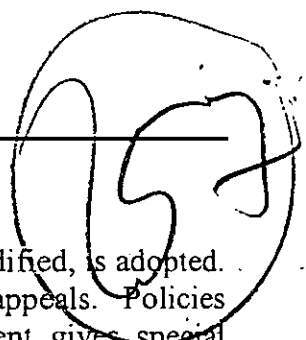
**Appeal Ref: APP/H5390/A/02/1104580 (Appeal B)**  
**7 Swanscombe Road, London, W11 4SU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Notting Hill Home Ownership against the London Borough of Hammersmith and Fulham Council.
- The application ref: 2002/1161/P, is dated 10 May 2002.
- The development proposed is the construction of residential development of 17 units comprising one, two and three bedroom units (including 11 units of affordable housing) and provision of 11 off-street parking spaces.

**Summary of Decision: The appeal is allowed and planning permission granted subject to the conditions attached to the Formal Decision below.**

## **Preliminary Matters (Appeals A & B)**

1. The appeal site straddles the boundary between the Royal Borough of Kensington and Chelsea and Hammersmith and Fulham Council. Therefore, two separate applications and appeals have been lodged. The large majority of the site, however, falls within the former's boundary. The latter confirms that it does not wish to submit representations, being content to accept the decision made on the lead application and appeal.
2. A signed and sealed unilateral undertaking under section 106 of the Act has been submitted with the appeals. This provides that the occupation of the 11 affordable housing units shall only be by tenants of a Registered Social Landlord. I have taken this into account in determining the appeals. The Council confirms that its objections to the proposal relate only to its effect on the Norland Road Conservation Area (CA) and to the level of density and parking matters.



**Development Plan (Appeals A & B)**

3. The Kensington and Chelsea Unitary Development Plan (UDP), as modified, is adopted. I consider that the following policies are those most relevant to the appeals. Policies CD48, CD52 and CD53 relate to CAs and require that development gives special attention to the desirability of preserving or enhancing their character or appearance. This reflects the provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. A high standard of design is also required, compatible with the surrounding development in respect of: character, scale and pattern; bulk and height; proportion and rhythm; and roofscape and materials, amongst other things. Policies CD25 and CD26 relate to general and infill development and include similar requirements to the above UDP policies for CAs with the addition of the need to conform to existing building lines and have regard to open spaces.
4. The following policies have relevance to other considerations related to the appeals. Policy CD28 resists development which significantly reduces sunlight or daylight enjoyed by adjoining buildings. Policy H11 resists housing development designed to higher densities; except where designed predominantly for smaller households, it would enable special needs or affordable housing or is an infill scheme where a high density is necessary for townscape reasons. Policy H12 resists very high densities; unless required for townscape reasons to comply with policies. Policy TR46 requires residential development to include off-street car parking up to the Council's maximum standards, except where, amongst other circumstances, for specific townscape reasons it is less likely to be successfully designed into the scheme. Policy CD30 requires development to be designed to ensure sufficient visual privacy of residents.

**Main Issue (Appeals A & B)**

5. I consider that the main issue in this appeal is the effect on the character and appearance of the Norland Road Conservation Area.

**Reasons (Appeals A & B)**

6. The appeal site is located in a prominent corner position on the western boundary of the extensive Norland Road CA. The conservation area contains a mixture of properties including long and imposing crescents and continuous façades. In the vicinity of the appeal site the main characteristics are a mixture of red brick properties with prominent stone dressed windows and more simply designed rendered and colour-washed houses. To the immediate east and south, within the CA, a mix of commercial, residential and community buildings of varying design, height and mass ring the appeal site. A Sikh Temple with a prominent castellated cornice is located close by to the south and adds to the eclectic mixture of buildings contained within this part of the CA.
7. Surrounding the site to the north and west is an extensive, spaciouly arranged post war residential estate containing large block of flats some of which rise to a great height. Although the appeal site is located within the conservation area, in terms of the streetscene, in my view, it relates mainly to the surrounding large multi-storey blocks, particularly Swanscombe House to the north and Norland House to the west, from which it is separated by a playground area and open space.

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8. The proposed development in mass and height would be compatible with the surrounding estate development. In addition it would integrate into the streetscene in Swanscombe Road, as a result of its similar height to Swanscombe House and the reduction in height of the part of the development which would adjoin the (Gatehouse) building to the east. The development would only relate significantly with respect to other development within the Swanscombe Road part of the CA in relation to longer views from west. Concerning this vista the general height and mass of development in the CA forms a compatible backcloth to the proposed development.
9. With respect to the streetscene to the west the proposed height and mass of the development would be compatible with the nearby Norland House. Although it would be higher than the adjoining community centre, the proposal would be balanced in more distant views by the height and mass of the Sikh Temple to the south and the height and mass of other buildings within the CA, which again only form a backcloth to this view.
10. The appeal site is prominent and located in an area which the Council recognises is extremely varied in character. In my view it requires a building of the height and mass of the proposed development in order to provide a counterpoint to the large scale and mass of the surrounding development. With regard to the CA the height and mass of the proposed development is also necessary in order to provide a visual block between the period properties to the east and the modern properties to the north, west and south.
11. I also consider that the proposed mixture of horizontal and vertical elements and the brick and rendered elevations provides a necessary transition in appearance from the horizontal emphasis and contemporary materials used in the design of the estate buildings and the vertical emphasis and traditional materials of the buildings in the CA.
12. I conclude that the proposal would maintain and enhance the character and appearance of the Norland CA and would accord with the Council's policies related to this.

**Other Considerations (Appeals A and B)**

13. The Council has also raised concern about the density of the development. However, Policies H11 and H12 allow for high and very high densities, where this enables the provision of affordable housing and is necessary for townscape reasons. In my view the very high density of the development is justified for these reasons.
14. The Council is also concerned with the level of car parking provision and points out that the appeal site is located within an area identified as having poor accessibility and parking stress. However, the provision of 11 parking spaces is close to the Council's *maximum* requirement. In addition the high level of small and affordable units within the development would be likely to result in relatively low level of demand for car parking facilities and minimal additional parking stress. Also, although the appeal site is located within an area that is identified as having poor accessibility, this particular part of that area is located relatively close to an underground station. For these reasons, I consider that the proposed level of parking provision is reasonable and acceptable against the Council's policies.
15. Adjoining occupiers are concerned that the development would adversely affect their level of daylight, sunlight and privacy. However, I agree with the Council that the

proposal should not significantly affect the living conditions of the adjoining occupiers given the size, location and function of the proposed windows, subject to a condition, which would require obscure glazing in windows on the eastern elevation.

**Conclusion (Appeals A & B)**

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be allowed.

**Conditions (Appeals A & B)**

17. The Council suggests conditions to be applied in the event of planning permission being granted. These would require that details be submitted of the materials, treatment and landscaping of open land, treatment of the boundary and entrance, obscure glazing to the eastern elevational windows and sections through all windows; details of tree planting; the colour of rendered surfaces, and the provision of secure cycle facilities.
18. I consider that the conditions suggested by the Council are necessary and acceptable and should be imposed in order to: ensure a satisfactory appearance for the development, protect the privacy of the adjoining occupiers and in the interests of providing future residents with cycle facilities in accordance with the Council's Transport Policy TR 27. However, I do not consider it necessary to require details of all windows in the development. Also, I do not consider that a separate condition relating to the colour of the render is necessary, as this would duplicate the suggested condition requiring submission of the materials as a whole. I also propose to vary the Council's suggested wording of the conditions to accord more closely with Circular 11/95 advice.

**Formal Decision (Appeals A & B)**

19. In exercise of the powers transferred to me, I allow the appeals and grant planning permissions for the construction of a residential development of 17 units comprising one, two and three bedroom units (including 11 units of affordable housing) and provision of 11 off-street parking spaces at 7 Swanscombe Road, London, W11, in accordance with the terms of the applications (A & B) Ref PP/02/00901/MAJD/52/A3 and Ref 2002/1161/P dated 19 April 2002 and 10 May 2002, and each subject to the following conditions:
- i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
  - ii) No development shall take place until the following details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
    - a) Materials, including samples and colours, to be used in the construction and painting of the external surfaces of the building.
    - b) Treatment, including samples, of the external surfaces of the open areas including hard and soft landscaping.
    - c) Fencing or railings to be attached to the boundary wall with 3 Swanscombe

Road and the entrance gates to the parking area.

- 760
- d) Obscure glazing to all the windows on the east elevation as shown on drawing No. 0112-P- GA08A.
  - iii) No works or development shall take place until full details of all proposed tree planting, including positions, species, size, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.
  - iv) If, within a period of two years, any tree planted in relation to condition iii) is removed, uprooted or destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
  - v) No dwelling shall be occupied until details have been submitted to and approved in writing by the local planning authority for the parking of 17 bicycles.  
The development shall be constructed in accordance with approved details.

**Information**

- 20. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
- 21. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
- 22. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- 23. Attention is drawn to the requirements of section 76 of the Town and Country Planning Act 1990 concerning provisions for the benefit of the disabled.

*I / eris Seakech*

INSPECTOR



## Appeal Decision

Site visit made on 1 April 2003

By Denis Seabeck DipTP MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
4/09 Kite Wing  
Temple Quay House  
The Square  
Temple Quay  
Bristol BS1 6PN  
☎ 0117 372 6372  
e-mail: enquiries@planning-  
inspectorate.gsi.gov.uk

Date

28 MAY 2003

### Appeal Ref: APP/K5600/A/02/1104579 (Appeal A)

7 Swanscombe Road, London, W11 4SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
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- The application ref: PP/02/00901/MAJD/52/A3, dated 19 April 2002, was refused by decision notice dated 15 October 2002.
- The development proposed is the construction of residential development of 17 units comprising one, two and three bedroom units (including 11 units of affordable housing) and provision of 11 off-street parking spaces.

**Summary of Decision: The appeal is allowed and planning permission granted subject to the conditions attached to the Formal Decision below.**

### Appeal Ref: APP/H5390/A/02/1104580 (Appeal B)

7 Swanscombe Road, London, W11 4SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Notting Hill Home Ownership against the London Borough of Hammersmith and Fulham Council.
- The application ref: 2002/1161/P, is dated 10 May 2002.
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**Summary of Decision: The appeal is allowed and planning permission granted subject to the conditions attached to the Formal Decision below.**

### Preliminary Matters (Appeals A & B)

1. The appeal site straddles the boundary between the Royal Borough of Kensington and Chelsea and Hammersmith and Fulham Council. Therefore, two separate applications and appeals have been lodged. The large majority of the site, however, falls within the former's boundary. The latter confirms that it does not wish to submit representations, being content to accept the decision made on the lead application and appeal.
2. A signed and sealed unilateral undertaking under section 106 of the Act has been submitted with the appeals. This provides that the occupation of the 11 affordable housing units shall only be by tenants of a Registered Social Landlord. I have taken this into account in determining the appeals. The Council confirms that its objections to the proposal relate only to its effect on the Norland Road Conservation Area (CA) and to the level of density and parking matters.

---

**Development Plan (Appeals A & B)**

3. The Kensington and Chelsea Unitary Development Plan (UDP), as modified, is adopted. I consider that the following policies are those most relevant to the appeals. Policies CD48, CD52 and CD53 relate to CAs and require that development gives special attention to the desirability of preserving or enhancing their character or appearance. This reflects the provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. A high standard of design is also required, compatible with the surrounding development in respect of: character, scale and pattern; bulk and height; proportion and rhythm; and roofscape and materials, amongst other things. Policies CD25 and CD26 relate to general and infill development and include similar requirements to the above UDP policies for CAs with the addition of the need to conform to existing building lines and have regard to open spaces.
4. The following policies have relevance to other considerations related to the appeals. Policy CD28 resists development which significantly reduces sunlight or daylight enjoyed by adjoining buildings. Policy H11 resists housing development designed to higher densities; except where designed predominantly for smaller households, it would enable special needs or affordable housing or is an infill scheme where a high density is necessary for townscape reasons. Policy H12 resists very high densities; unless required for townscape reasons to comply with policies. Policy TR46 requires residential development to include off-street car parking up to the Council's maximum standards, except where, amongst other circumstances, for specific townscape reasons it is less likely to be successfully designed into the scheme. Policy CD30 requires development to be designed to ensure sufficient visual privacy of residents.

**Main Issue (Appeals A & B)**

5. I consider that the main issue in this appeal is the effect on the character and appearance of the Norland Road Conservation Area.

**Reasons (Appeals A & B)**

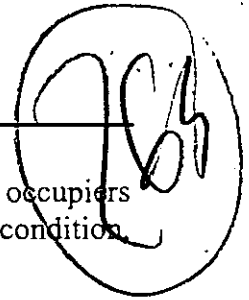
6. The appeal site is located in a prominent corner position on the western boundary of the extensive Norland Road CA. The conservation area contains a mixture of properties including long and imposing crescents and continuous façades. In the vicinity of the appeal site the main characteristics are a mixture of red brick properties with prominent stone dressed windows and more simply designed rendered and colour-washed houses. To the immediate east and south, within the CA, a mix of commercial, residential and community buildings of varying design, height and mass ring the appeal site. A Sikh Temple with a prominent castellated cornice is located close by to the south and adds to the eclectic mixture of buildings contained within this part of the CA.
7. Surrounding the site to the north and west is an extensive, spaciouly arranged post war residential estate containing large block of flats some of which rise to a great height. Although the appeal site is located within the conservation area, in terms of the streetscene, in my view, it relates mainly to the surrounding large multi-storey blocks, particularly Swanscombe House to the north and Norland House to the west, from which it is separated by a playground area and open space.



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8. The proposed development in mass and height would be compatible with the surrounding estate development. In addition it would integrate into the streetscene in Swanscombe Road, as a result of its similar height to Swanscombe House and the reduction in height of the part of the development which would adjoin the (Gatehouse) building to the east. The development would only relate significantly with respect to other development within the Swanscombe Road part of the CA in relation to longer views from west. Concerning this vista the general height and mass of development in the CA forms a compatible backcloth to the proposed development.
  9. With respect to the streetscene to the west the proposed height and mass of the development would be compatible with the nearby Norland House. Although it would be higher than the adjoining community centre, the proposal would be balanced in more distant views by the height and mass of the Sikh Temple to the south and the height and mass of other buildings within the CA, which again only form a backcloth to this view.
  10. The appeal site is prominent and located in an area which the Council recognises is extremely varied in character. In my view it requires a building of the height and mass of the proposed development in order to provide a counterpoint to the large scale and mass of the surrounding development. With regard to the CA the height and mass of the proposed development is also necessary in order to provide a visual block between the period properties to the east and the modern properties to the north, west and south.
  11. I also consider that the proposed mixture of horizontal and vertical elements and the brick and rendered elevations provides a necessary transition in appearance from the horizontal emphasis and contemporary materials used in the design of the estate buildings and the vertical emphasis and traditional materials of the buildings in the CA.
  12. I conclude that the proposal would maintain and enhance the character and appearance of the Norland CA and would accord with the Council's policies related to this.

#### **Other Considerations (Appeals A and B)**

13. The Council has also raised concern about the density of the development. However, Policies H11 and H12 allow for high and very high densities, where this enables the provision of affordable housing and is necessary for townscape reasons. In my view the very high density of the development is justified for these reasons.
14. The Council is also concerned with the level of car parking provision and points out that the appeal site is located within an area identified as having poor accessibility and parking stress. However, the provision of 11 parking spaces is close to the Council's *maximum* requirement. In addition the high level of small and affordable units within the development would be likely to result in relatively low level of demand for car parking facilities and minimal additional parking stress. Also, although the appeal site is located within an area that is identified as having poor accessibility, this particular part of that area is located relatively close to an underground station. For these reasons, I consider that the proposed level of parking provision is reasonable and acceptable against the Council's policies.
15. Adjoining occupiers are concerned that the development would adversely affect their level of daylight, sunlight and privacy. However, I agree with the Council that the



proposal should not significantly affect the living conditions of the adjoining occupiers given the size, location and function of the proposed windows, subject to a condition which would require obscure glazing in windows on the eastern elevation.

**Conclusion (Appeals A & B)**

16. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be allowed.

**Conditions (Appeals A & B)**

17. The Council suggests conditions to be applied in the event of planning permission being granted. These would require that details be submitted of the materials, treatment and landscaping of open land, treatment of the boundary and entrance, obscure glazing to the eastern elevational windows and sections through all windows; details of tree planting; the colour of rendered surfaces, and the provision of secure cycle facilities.
18. I consider that the conditions suggested by the Council are necessary and acceptable and should be imposed in order to: ensure a satisfactory appearance for the development, protect the privacy of the adjoining occupiers and in the interests of providing future residents with cycle facilities in accordance with the Council's Transport Policy TR 27. However, I do not consider it necessary to require details of all windows in the development. Also, I do not consider that a separate condition relating to the colour of the render is necessary, as this would duplicate the suggested condition requiring submission of the materials as a whole. I also propose to vary the Council's suggested wording of the conditions to accord more closely with Circular 11/95 advice.

**Formal Decision (Appeals A & B)**

19. In exercise of the powers transferred to me, I allow the appeals and grant planning permissions for the construction of a residential development of 17 units comprising one, two and three bedroom units (including 11 units of affordable housing) and provision of 11 off-street parking spaces at 7 Swanscombe Road, London, W11, in accordance with the terms of the applications (A & B) Ref PP/02/00901/MAJD/52/A3 and Ref 2002/1161/P dated 19 April 2002 and 10 May 2002, and each subject to the following conditions:
- i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
  - ii) No development shall take place until the following details have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
    - a) Materials, including samples and colours, to be used in the construction and painting of the external surfaces of the building.
    - b) Treatment, including samples, of the external surfaces of the open areas including hard and soft landscaping.
    - c) Fencing or railings to be attached to the boundary wall with 3 Swanscombe

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Road and the entrance gates to the parking area.

- d) Obscure glazing to all the windows on the east elevation as shown on drawing No. 0112-P- GA08A.
- iii) No works or development shall take place until full details of all proposed tree planting, including positions, species, size, and the proposed times of planting, have been approved in writing-by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times.
- iv) If, within a period of two years, any tree planted in relation to condition iii) is removed, uprooted or destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.
- v) No dwelling shall be occupied until details have been submitted to and approved in writing by the local planning authority for the parking of 17 bicycles.  
The development shall be constructed in accordance with approved details.

**Information**

- 20. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.
- 21. An applicant for any approval required by a condition attached to this permission has a statutory right of appeal to the Secretary of State if that approval is refused or granted conditionally or if the authority fails to give notice of its decision within the prescribed period.
- 22. This decision does not convey any approval or consent that may be required under any enactment, by-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- 23. Attention is drawn to the requirements of section 76 of the Town and Country Planning Act 1990 concerning provisions for the benefit of the disabled.

*L. M. Seabrook*

INSPECTOR