ROYAL BOROUGH OF KENSINGTON & CHELSEA

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DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL





The Planning Inspectorate

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

LISTED BUILDING CONSENT OR **CONSERVATION AREA CONSENT APPEAL FORM**

If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpine on 0117 372 Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date of receipt of 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 K 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 _	FRANCESCO MONCADA

Address 8 TALINA CENTRE Daytime phone no ______

Postcode SW6 2BW

_ E-mail address

B. AGE	B. AGENT DETAILS FOR THE APPEAL (if any)			
Name	GVA GRIMLEY			
Address _	10 STRATTON STREET	Your reference 02A 224804		
	LONDON	Daytime phone no 020 79112102		
	·	Fax no 02079112560		
Postcode	WIJ 8JR	E-mail address 2XXK C gvagrinley. Co.uk		

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS			
ROYAL BORDUGH OF KENSIN GET			
ROYAL BORDUGH OF KENSIN GT	LPA's application reference no LB 02 00850		
Date of the LBC/CAC application 24 4 2002	Date of LPA's decision notice (if issued) $87/2002$		

For official use only

Date received

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D. APPEAL SITE ADDRESS		
Address 34 PAULTONS SQUARE		
LONDON		$ \sum $
Postcode SW3 5DT		
If the whole site can be seen from a road or other public land and there is no need for the e.g. to take measurements or to enter a building, please tick the box.	ne Inspector to ente	er the site

E.	SUPPORTING INFORMATION			
-		Please tick	one box only	~
1.	If the building is listed, please indicate the grade of the building	Grade I	Grade II*	Grade II
2.	Has a grant been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?	Yes	No	
3.	Does the appeal relate to an application for conservation area consent?		J	

F. 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)

ERECTION OF FIRST FLOOR REAR INFILL EXTENSION AND REBUILDING

GROUND FLOOR INFILL EXTENSION, TOGETHER WITH ALTERATIONS TO

こ

Size of the whole appeal site (in hectares)

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

G. REASON FOR THE APPEAL

Thi	This appeal is against the decision of the LPA to:					
(*D	elete as appropriate)	Please tick one box only	~			
1.	refuse *listed building consent/conservation area consent for the development	described in Section F.				
2.	grant "listed building consent/conservation area consent for the development s to which you object.	subject to conditions				
3.	refuse to vary a condition(s) in a previous grant of *listed building consent/con	servation area consent.				
4. or	refuse to remove a condition(s) in a previous grant of *listed building consent/o	conservation area consent.				
5.	The failure of the LPA to give notice of its decision within the appropriate period application for "listed building consent/conservation area consent.	d (usually 8 weeks) on an				

REAR	ELEVATIO
KE/1K	ELEVANO

H. 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. Those procedures are the same as the ones used to decide listed building/conservation area consent 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.

I. 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. You should give a clear explanation of why you disagree with each of the LPA's reasons for not granting listed building consent or conservation area consent, if appropriate.

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.

The Council's grounds of refusal contend that the development proposals, by reason of their height, materials and design, would harm the architectural character of the listed building, the terrace of listed buildings of which it forms part, and would detract from the character and appearance of the Conservation Area.

We respond to these grounds of refusal as follows;

Impact on the architectural character of the listed building

A guidance note prepared by English Heritage 'London Terrace Houses: 1660-1860 - A guide to alterations and extensions' states that rear extensions can often be acceptable provided that they are well related to the original building and are in scale with it. In this regard the development proposals conform to English Heritage's advice that rear extensions should not rise higher than one storey beneath the original main parapet line. As such we contend that the extension would be subordinate to the parent building.

The development proposals have been drawn up to reflect the design and materials of the existing building. The design of the first floor extension replicates the existing rear façade of the building at this level, including a replacement painted timber sash window to match the existing. The extension at this level has also be designed to be set back from the ground floor rear building line. At ground floor level the new half glazed timber painted doors serve to provide a more sympathetic addition to the building than at present.

We consider that regard should also be given to the fact that the building was constructed only in 1958, having been rebuilt following war damage. We believe that the replacement building is in inferior in its architectural quality compared to other buildings along the terrace and is not consistent with the design format of the Square.

Impact on the character of the terrace

The Officer's Report prepared in respect of this application comments that the proposals would create an unwelcome precedent by harming the pattern of rear elevations along the terrace.

By contrast we contend that the design and height of the proposed infill extension is acceptable when considered in the context of surrounding developments.

In this regard we note that the re-built appeal premises already comprises a three storey rear/wing extension; a feature not shared by any other properties along the terrace. Furthermore planning permission has also been grated for a second storey rear extension on the adjacent premises at No. 35 Paulton's Square, which projects beyond the rear building line of the proposed extension.

The proposals at first floor level of the appeal premises are to develop between these two higher and more dominant existing extensions. The proposed infill extension would be set back from the existing building line and would remain below the height of the extension at No. 35. Given that the existing pattern of development at this end of the terrace does not currently adhere to the dominant pattern of development elsewhere along the terrace we consider that no adverse precedent would be created.

Impact upon the character and appearance of the conservation area

As set out above we contend that the proposals have been drawn up to a high standard of design and are compatible with surrounding development in terms of their character, materials, roofscape and height. Although clearly visible from street level, the extension will be subordinate to the parent building and will replicate the design of the existing development at this level.

We further note that the proposed extension will face onto a windowless five storey development. As such the extension will be less visible from the rear of other properties in the conservation area than other similar infill extensions along the terrace already granted planning and listed building consent.

As such we consider that the development proposals would not harm either the character or appearance of the Cheyne Conservation Area.

A detailed supporting statement expanding upon the grounds of refusal set out above will be submitted in due course.

J. APPEAL SITE OWNERSHIP DETAILS

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) 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

Date the notice was served

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CERTIFICATE A

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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 building 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 the building to which the appeal relates, as listed below:

Owner's name

Address at which 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.

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. Е	SSENTIAL SUPPORTING DOCUMENTS	\mathbf{O}
If we (ocuments listed in 1–6 below, <u>must</u> be sent with your appeal form; 7–8 must also be sent if appropries of the sent if appropriate and the sent appeal documents by the end of the 6 month appeal period, we will not deat ase tick the boxes to show which documents you are enclosing.	
1A	copy of the original listed building consent/conservation area consent application sent to the LPA	
2. A	copy of the site ownership certificate and ownership details submitted to the LPA	\square
at	t application stage (this is usually part of the LPA's planning application form).	
3. A	copy of the LPA's decision notice (if issued).	\square
4. A	plan showing the site outlined in red, including two roads clearly named	\Box
(p	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.	g
6. A	list and copies of any additional plans, drawings and documents sent to the LPA but which did	\square
nc	pt form part of the original application (eg drawings for illustrative purposes).	
Copie	s of the following must also be sent, if appropriate:	Ľ
-		
	dditional plans or drawings relating to the application but not previously seen by the LPA. lease number them clearly and list the numbers here:	L
	N I A	
	· · · · · · · · · · · · · · · · · · ·	<u></u>
8. If	the appeal is against the LPA's refusal or failure to decide an application for consent which	
re	lates to a condition , we must have a copy of the original consent with the condition attached.	
9. Ar	ny relevant correspondence with the LPA.	
10 If	you have sent other appeals for this or nearby sites to us and these have not been decided,	
	ease give details and our reference numbers.	
	· ·	
-	PLANNING APPEAL SUBMITTED IN CONTOUN (TION WITH THIS	
_	LISTED BUILDING APPEAL.	
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PLEASE TURN OVER AND SIGN THE FORM - UNSIGNED FORMS WILL BE RETURNED

		(7)
L.	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 relev appeal will not normally be accepted).	rant documents to the LPA (if you do not, your
Na The the	I confirm that all sections have been fully completed and that are correct to the best of my knowledge. gnature <u>GVA GRIMLE</u> ame (in capitals) <u>GVA GRIMLE</u> the gathering and subsequent processing of the personal data s be terms of our registration (Reg No: E031018) under the Data F ata Protection policy can be found on our Website under "Privacy	(on behalf of) $F. MONCADA$ Date $10 9 2002$ upplied by you in this form, is in accordance with Protection Act 1998. Further information about our
	ppeal form.	
NC	OW SEND:	
ר כ ר	1 COPY to us at:1 COPY to the LPAThe Planning Inspectorate Customer Support Unit Temple Quay HouseSend a copy of the appeal for which the decision notice way shown on any letters receiver is no need to send them all the	s sent (or to the address d from the LPA). There

appeals by e-mail or fax.

We do not currently accept

Temple Quay

BRISTOL

BS1 6PN

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.

send them any supporting documents not previously

sent as part of the application. If you do not send

documents, we may not accept your appeal..

them a copy of this form and

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

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

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The Copyright Unit Her Majesty's Stationery Office St Clements House 2-16 Colegate Norwich NR3 1BQ

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APP	PEAL
ro:JT	FROM: RAG
DATE RECEIVED: <u>11-9-02</u>	EXTN: 2081
APPEAL CASE OFFICER: _ S W	APPEAL ADMIN OFFICER: RAS
OUR REF: $\underline{L302}850$	
Address: 34 Pau	Itons Square
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REASON FOR APPEAL:	•
	SW3 LBREF.
THE APPEAL WILL BE DETERMINED	SW3 LBREF.
THE APPEAL WILL BE DETERMINED I WRITTEN II REPRESENTATIONS H	8W3 LB REF. BY WAY OF: NFORMAL IEARING X PUBLIC INQUIRY
THE APPEAL WILL BE DETERMINED IN WRITTEN IN THE REPRESENTATIONS START DATE OF APPEAL:	8W3 LB REF. BY WAY OF: NFORMAL IEARING X PUBLIC INQUIRY 18 Sept
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APPEALS TIMETABLE



DATE: 11-9-02



NEW APPEAL

/ PAUL KELSEY

JOHN THORNE

BRUCE COEY

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA -FILE(S) ATTACHED. THE SITE ADDRESS IS:

34 Paultons Square, SW3

1. PLEASE INDICATE THE OFFICER WHO WILL BE DEALING WITH THIS APPEAL:

SARAH WILDON

- 2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE APPEAL TO BE DETERMINED:
 - ♦ WRITTEN REPRESENTATIONS
 - ♦ HEARING
 - ♦ PUBLIC INQUIRY

N.B. The appellant has requested Written Reps / a Hearing / an Inquiry. The appellant has the right to be heard. If the appellant wants a Hearing and you choose Written Reps, this may result in an Inquiry. If the appellant requests an Inquiry and you would prefer a Hearing, a letter outlining reasons why will normally be required.

3. <u>YOU ARE REMINDED TO ORDER LAND USE MAPS AS APPROPRIATE</u> AT THIS STAGE

PLEASE RETURN THIS SHEET AND THE ATTACHED FILE(S) TO THE APPEALS SECTION WITHIN 24 HOURS

THANK YOU

APPEAL NOTIFICATIONS

Re: 34 Paultons Square, SN3

Please complete the list of those to notify of the appeal and return with the file(s) to the Appeal Section within 24 hours. Thank You.

WARD COUNCILLORS:

- 1. KNGLET
- 2. REPTAN
- 3. Sumanns

KENSINGTON SOCIETY (Ms Susie Symes, 19 Denbigh Terrace, London W11 2QJ)

CHELSEA SOCIETY (Mr Terence Bendixson, 39 Elm Park Gardens, London SW10 9QF)

RESIDENT ASSOCIATIONS AND AMENITY SOCIETIES:

ALL 3RD PARTIES ORIGINALLY NOTIFIED

ALL OBJECTORS/SUPPORTERS

STATUTORY BODIES ORIGINALLY NOTIFIED

ENGLISH HERITAGE

OTHERS:....

1.

2.

3.

The Planning Inspectorate

	3/07 Kite Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN http://www.planning-inspectorate	e.gov.uk	Direct Line Switchboard Fax No GTN	0117-3728930 0117-3728000 0117-3728443 1371-8930
	ept Of Planning & Conservation) nd Chelsea R B C	Your Ref:	LB/02/0	0850
3rd Floor		Our Ref:	APP/K5	600/E/02/1098954
The Town Ha			APP/K5	600/A/02/1098955
Hornton Stree	rt			1 2002
London W8 7NX		Date:	= X [HƯC]	TP CAC AD CLU AO
WO THIX)IR	AK
	·			1 9 SEP 2002 PERMINA
Dear Madam	ł		K.C.	1 9 SEP 2002
			NC	SW SE AP IL FC
	UNTRY PLANNING ACT 1990 LISTED BUILDING AND CONSER	VATION ADD	· · · · · · · · · · · · · · · · · · ·	ARB FPLN DES FEES
	' MR F MONCADA	VATION ARE	ASJ AC 1 1990	INTO AT CALDES IFEES :
	AULTONS SOLUDE LONDON SY	V2 5DT	•	

SITE AT 34 PAULTONS SQUARE, LONDON, SW3 5DT

We have decided that a hearing will be held into these appeals and we will now arrange a date.

I am the case officer and, if you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeals reference numbers which are shown at the top of this letter.

I have checked the papers and confirm that the appeals are valid. If it appears at a later stage, following further information, that this may not be the case, I will write to you again.

The date of this letter is the starting date for the appeals.

The following documents must be submitted within this timetable:

Within 2 weeks from the starting date -

You must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeals have been made. You should tell them that:-

- i) any comments they made at application stage will be sent to me and if they want to make any additional comments, wherever possible, they must submit 3 copies within 6 weeks of the starting date. If representations are submitted after the deadline, they will not normally be seen by the Inspector and they will be returned.
- ii) they can get a copy of our booklet 'Guide to taking part in planning appeals' free of charge from you, and
- iii) if they want to receive a copy of the appeals decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaires and supporting documents, including relevant development plan policies to the appellant and me.

Within 6 weeks from the starting date -

You and the appellant must submit 2 copies of your hearing statement to me. I will send a copy of your hearing statement to the appellant and send you a copy of their hearing statement. You and the appellant must send a copy of your hearing statements to any statutory parties. I will send you and the appellant a copy of any comments submitted by interested parties.

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Within 9 weeks from the starting date -

You and the appellant must submit 2 copies of any final comments on each other's statement and on any comments on any representations from interested parties to me. Your final comments must not be submitted in place of, or to add to, your 6 week statement and no new evidence is allowed. I will forward the appellant's final comments to you at the appropriate time.

You <u>must keep to the timetable</u> set out above and ensure that your representations are submitted within the deadlines. If not, your representations will not normally be seen by the Inspector and they will be returned to you. As I have given details of the timetable, I will not send you reminders.

Withdrawing the appeals

If you hear that the appeals are to be withdrawn, please telephone me immediately. If I receive written confirmation of this from the appellant, I will write to you.

Further information about the terms we use in this letter and appeal procedures is on the attached sheet.

Yours faithfully

J. Rice

ρρ Mr Dave Shorland

H4B(BPR)

Questionnaire

The appeal questionnaire must be sent complete with copies of all necessary documents referred to in it. It is particularly essential to us that details of all relevant development plan policies are included with the questionnaire at this early stage.

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Hearing Statement

In your hearing statement you will need to give full details of the case which you will put forward at the hearing. You must include copies of any documents, including copies of maps and plans, to which you intend to refer. Please also include a list of any conditions or limitations you would agree to, if the appeal were to be allowed. The format of a statement for hearing cases is in Annex 2(i) of DETR Circular 05/2000.

Statutory parties

'Statutory parties' are owners or tenants of the appeal site who made comments within the time limit on the applications or appeals. You must give details of any statutory parties at application stage in reply to question 15e of the questionnaire. I will tell you about any statutory parties at appeal stage, before your hearing statement is due.

Late Representations

Comments or representations received after any of the time limits will normally be disregarded and we will send them back. Late representations will only be considered in extraordinary circumstances.

Costs is a set of the set of the

Costs can be awarded in hearing cases. If a hearing is subsequently adjourned because of the submission of late evidence, there is the possibility of a successful claim of costs. DOE Circular 8/93 gives more advice.

Planning obligations - Section 106 agreements

A planning obligation, often referred to as a 'section 106 agreement', is either a legal agreement made between the LPA and a person 'interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation, a final draft must be submitted at least 10 working days before the date of a hearing. Obligations should be completed by the close of a hearing. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

For offical use only Date received

OURREF LB/02/850

QUESTIONNAIRE

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP KS60/E 102 1098954 GRID REF:

APPEAL BY MR F MONCADA

SITE: 34 PAULTONS SQUARE, 5W3

You must ensure that a copy of a completed questionnaire, together with any enclosures, is received by us and the appellant, <u>within 2 weeks from the 'starting date'</u> given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan**. Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the starting date.

1.	Do you agree to the written representations procedure?	VES/ NO
<u>OR</u>	Do you wish to be heard by an Inspector at: a. a local inquiry?	YES NO
	But will AGREE TO D or b. a hearing?	VES NO
2.	If the written procedure is agreed, could the Inspector make an unaccompanied site visit?	
	(It is our policy that Inspectors make an unaccompanied site visit whenever practicable e.g. the site can be seen clearly from a road or other public land. You must only indicate the need for an accompanied visit when it is necessary to enter the site e.g. to view or measure dimensions from within it.)	
З.	Does the appeal relate to an application for approval of reserved matters?	YES NO
4.	Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?	YES NO / NA
5.	Was it necessary to advertise the proposals under Article 8 of the GDPO 1995 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?	YES

PINS PF01Q (REVISED JULY 2001)

Please turn over

6. Is the appeal site within an approved Green Belt or AONB?

Please specify which . . .

- 7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, <u>please</u> attach details.)
- 8. a. Are there any other appeals or matters relating to the same site or area still being considered by us or the Secretary of State?

If YES, please attach details and, where necessary, give our reference numbers. APP/KSB00/A 1021098955 b. Would the development require the stopping up or diverting of a public right YES (NO

YES

YES

YES (NO

Y NO

' NO

Grade I / II

YES (

YES (NO

YES (NO

- of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.
- Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)
- 10. Does the appeal relate to an application for conservation area consent?
- 11.a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II* / II listed building?
 - b. Would the proposed development affect the setting of a listed building?

If the answer to question 11a or b is YES, please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13.)

- 12. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?
- 13.a. Would the proposals affect an Ancient Monument (whether scheduled or not)?
 - b. If YES, was English Heritage consulted? Please attach a copy of any comments.
- 14.a. Is the appeal site in or adjacent to or likely to affect an SSSI? If YES, please attach the comments of English Nature.
 - b. Are any protected species likely to be affected by the proposals?
 If YES, please give details.

- 15. Copies of the following documents must, if appropriate, be enclosed withthis questionnaire:
 - a Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental impact Assessment) (England & Wales) Regulations 1999? If YES, please indicate which Schedule.
 - b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?
 - c. Has a screening opinion been placed on Part 1 of the planning register? If YES, please send a copy to us.
 - d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;
 - e. Any representations received as a result of an Article 7 (or Regulation 6) notice;
 - f. A copy of any notice published under Article 8 of the GDPO 1995; and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and/or Regulation 5 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990;
 - g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);

- h. Details of any other applications or matters you are currently considering relating to the same site;
- i. For all appeals, including those against non determination, you must provide details of all relevant development plan policies. Each extract must include the front page, the title and date of approval or adoption. Where plans & policies have not been approved or adopted, please give the stage or status of the plan. EXTRACTS FROM WOP CHAPTERS I-4 ADOPTED
- j. Any supplementary planning guidance, together with its status, that you consider necessary. Extracts FROM CONS · AREA PROPOSAL
- k. Any other relevant information or correspondence you consider we should be aware of.

STATEMENT

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. 16. a. What is the date you told those you notified about the appeal that we must receive any further comments by?	30 th Oct 102
 b. Copies of the following documents must, if appropriate, be enclosed with this questionnaire. 	Number of Documents N/A Enclosed
i) representations received from interested parties about the original application	6 21
ii) the planning officer's report to committee	
iii) any relevant committee minute To follow	
17. FOR APPEALS DEALT WITH BY WRITTEN REPRESENTATIONS ONLY	
Do you intend to send another statement about this appeal? If NO, please send the following information:-	YES / NO
a. In non-determination cases:	
i) what the decision potice would have said;	
ii) how the relevant development plan policies relate to the issues of this appeal.	
b. In all cases:	
i) the relevant planning history;	
ii) any supplementary reasons for the decision on the application;	
iii) matters which you want our Inspector to note at the site visit.	
18. THE MAYOR OF LONDON CASES ONLY	
a. Was it necessary to notify the Mayor of London about the application? If YES, please attach a copy of that notification.	YES / NO
b. Did the Mayor of London issue a direction to refuse planning permission If YES, please attach a copy of that direction.	YES / NO
I confirm that a copy of this appeal questionnaire and any enclosures have been sent today t agent. RBKIC	o the appellant or
Signature:	0001101
Please tell us of any changes to the information you have given on this f	orm.
This document is printed on a recycled (UK) paper containing 100% post-consumer waste	
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	The Planning Ins	spectora	ite	
	3/23 Hawk Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN http://www.planning-inspectorate) e.gov.uk	Direct Line Switchboard Fax No GTN	0117-3728460 0117-3728000 0117-3728804 1371-8460
•	Dept Of Planning & Conservation) And Chelsea R B C	Your Ref:	LB/02/0	0850
3rd Floor The Town H		Our Ref:		600/E/02/1098954 600/A/02/1098955

Date:

10 October 2002

Dear Madam

Hornton Street London

W8 7NX

TOWN & COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990 APPEALS BY MR F MONCADA SITE AT 34 PAULTONS SQUARE, LONDON, SW3 5DT

I am writing to tell you that we propose to hold a hearing into these appeals at 10:00 on Wednesday 30 April 2003 at a venue to be arranged.

It is now our policy to allow only one refusal of a hearing date, before we fix a date, time and place for a hearing. If you refuse the date offered you should give a good reason for doing so.

If you cannot accept the date offered you may agree a reasonable alternative with the other party. The availability of the Inspector is a crucial factor in this process. We will let you know whether we can supply an Inspector for any date you agree between yourselves, but it must meet with our general aim of deciding appeals quickly.

You can reply to me by telephone or letter. If I do not hear from you by 21 October 2002, I will assume that the proposed hearing date is acceptable, and that you are not intending to negotiate an alternative hearing date with the other party.

You should not assume that the hearing date offered here is the one that will eventually go ahead. We will write to you again to confirm final arrangements.

Yours faithfully

Miss Heather Langridge



NB: Only correspondence concerning the hearing date (and venue) should be addressed to the above room. All other correspondence should be addressed to the case officer mentioned in the initial letter.

E.	3/23 Hawk Wing Temple Quay House 2 The Square		Direct Line Switchboard Fax No	0117-3728460 0117-3728000 0117-3728800	$\overline{\boldsymbol{\mathcal{I}}}$
	Temple Quay Bristol BS1 6PN http://www.planning-inspectorate	e.gov.uk	GTN	1371-8460)4
	pt Of Planning & Conservation)	Your Ref:	LB/02/0	0850	
3rd Floor The Town Hal		Our Ref:		600/E/02/1098954 600/A/02/1098955	
Hornton Stree London W8 7NX	L	Date:	22 Octob	HDC TP CAC AD	CLU
Dear Madam			;;	B. 25 OCT 2002	

I am writing to advise you that the hearing into these appeals will start at 10:00 on Wednesday 30 April 2003 at The Town Hall, Hornton Street, Kensington. Please arrange a car-parking space for the Inspector. Could you send the details, together with a location plan of the venue, to the case officer quoting our appeal reference numbers.

The name of the Inspector will be confirmed to you at a later date.

Please write to all those other than the appellant, with an interest in the land, and all those who made representations at the planning application stage i.e. including any interested third parties, telling them about the hearing details at least 2 weeks before the hearing date. Your letter should cover:

- An Inspector has been appointed by the Secretary of State to determine these appeals;
- The location of the site and a description of the development;
- Where your, and the appellant's, statements and future comments can be inspected;
- that they may attend the hearing, and at the Inspector's discretion, give their views;
- that we will send a copy of the decision letter only to those who ask for one in writing;
- what facilities are available for people with disabilities e.g. parking spaces, access and seating arrangements etc.

If you have not already done so, please send 2 copies of your written statement to the case officer and one copy to any statutory party. We must receive it within 6 weeks of the starting date.

If you consider it appropriate, please notify the press of the hearing. Please also note that people with disabilities who may be concerned about facilities at the hearing venue have been advised to write to, or contact your Council to confirm that proper provisions are in place.

We aim to issue decisions within 7 weeks of the close of the hearing. If there is likely to be significant delay, we will let you know.

Yours faithfully

Miss Heather Langridge

206J(BPR)

GVA Grimley 02A224804 Our Ref: APP/K5600/E/02/1098954 Your Ref: ternational Property Advisers APP/K5600/A/02/1098955 10 Stratton Street London W1J 8JR 29 October 2002 phone 0870 900 89 90 Facsimile 020 7911 2560 Miss Heather Langridge www.gvagrimley.co.uk The Planning Inspectorate 3/07 Kite Wing Temple Quay House 2 The Square HDC TP CACIAD Temple Quay **BRISTOL BS1 6PN** Bai 2002 @1 Dear Miss Langridge, SW С ŜΕ Town and Country Planning Act 1990 (as amended) ARB Appeals by Mr F Moncada Sites at 34 Paultons Square, London, SW3

Please find enclosed 2 copies of the appellant's statement of case in respect of the above appeal.

If you have any questions in respect of this appeal submission please do not hesitate to contact Adrian Kearley on 020 7911 2102.

Yours faithfully,

GVA GRIMLEY

PLANNING DEPARTMENT

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cc. Planning and Conservation, RBKC

London West End , London City , Birmingham , Bristol , Cardiff , Edinburgh , Glasgow , Leeds , Manchester , Brussels +32 2 230 70 90 . Sydney ÷61 29 252 4433 GVA Europe , GVA Asia , GVA Australasia , GVA North America

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Kensington . 3rd Floor The Town H	And Chelsea R B C	Our Ref:		5600/E/02/ <u>109895</u> 5600/A/02/109895	
Hornton Stre London W8 7NX		Date:		bber 2002	-

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990 APPEALS BY MR F MONCADA SITE AT 34 PAULTONS SQUARE, LONDON, SW3 5DT

I enclose a copy of the appellant's statement 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

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STIR	The Planning Inspectorate				
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3rd Floor The Town H Hornton Stre	all	Our Ref:		600/E/02/1098954 600/A/02/1098955	
London W8 7NX		Date:	22 Nove	mber 2002	

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990 APPEALS BY MR F MONCADA SITE AT 34 PAULTONS SQUARE, LONDON, SW3 5DT

I enclose for your information a copy of the appellant's final comments on the above appeals. Normally, no further comments, from any party, will now be taken into consideration.

Yours faithfully

Mr Dave Shorland

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34 PAULTONS SQUARE, LONDON, SW3 5DT

Appellants Rebuttal Statement

Submitted by GVA Grimley on behalf of Mr F Moncada in response to the Royal Borough of Kensington and Chelsea's Hearing Statement

GVA Grimley

10 Stratton Street London W1J 8 JR

Tel: 020 7911 2102 Fax: 020 7911 2560 Email: axxk@gvagrimley.co.uk

LPA Application Refs: Planning Inspectorate Refs:

Appellant's Ref:

PP/02/00849 and PP/02/00850 APP/K5600/E/02/1098954 APP/K5600/A/02/1098955 NDL/AXXK/02A224804

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R.B. K.C.		27	NOV	2002	PLA	NNING
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- 1.1 This rebuttal statement is submitted in response to the Royal Borough of Kensington and Chelsea's hearing statement for appeals relating to No. 34 Paultons Square, London, SW3 5DT.
- 1.2 This statement will analyse the points raised in the Council's hearing statement. The statement will avoid repetition of the first written statement, although reference will be made to the appellant's hearing statement and its appendices where relevant.
- 1.3 The appellant does not wish to raise any matters in respect of Chapters 1 to 6 of the Council's hearing statement which deal in turn with the site and surrounding area, the relevant planning history, the proposals, the main issues, local policies and central government policy and legislation.

2.0 Amplification of Council's Grounds for Refusal

1.0

Introduction

- 2.1 The Council's statement places a significant emphasis on what they perceive to be a 'distinct rhythm of part width brick extensions separated by open lightwells' (para 7.1). By contrast we consider that the rear terrace is characterised by its diversity of building styles and that, in contrast to many terraces of this type, there is no distinct rhythm across the whole terrace. This is reflected in Image 1 as attached at Appendix 2 of the appellant's statement. This image shows the existing three storey rear extensions at Nos. 34 and 35 Paultons Square, followed by a group of buildings with limited development to the rear, followed by a further group of buildings where rear infill extensions have been constructed between existing flank elevations. We believe that this illustrates the fact that there is no regular pattern of development to the rear of this particular section of the terrace.
- 2.2 Image 2 further illustrates the fact that 'unsympathetic' extensions have previously been permitted along the terrace which are considered inferior in quality to that currently proposed and which relate to 'original' not 'replica' buildings.
- 2.3 Paragraph 7.3 of the Council's statement comments that the proposed brick infill extension would remove the impression of openness created by the current lightweight materials used at ground floor level. By contrast we believe that the existing conservatory at ground floor level, as with other conservatories along the terrace, does not currently take on a 'lightweight' appearance nor create the sense of 'openness' that the Council claims (See Images 1 and 2 as





referred to above). In particular we believe that the heavy pattern of glazing bars used in the construction of the existing rear infill extensions already differs from the existing pattern of development on the rear terrace, in particular the use of thin glazing bars on the 'original' rear elevation. In this regard the proposed infill extension at ground floor level, which is of a similar design in elevation form to that existing, has no material impact on the sense of openness. Moreover, and in contrast to the Council's assertion at paragraph 7.2 we note that existing extensions along the terrace, including the appeal premises, do not currently leave the flanking brick extensions particularly visible.

- 2.4 In relation to the proposals at first floor level the Council comments at paragraph 7.3 that the proposals would 'largely obscure' the 'original' main rear wall. In responding to this assertion we note that this wall is not 'original' and that the existing windows will be replicated, albeit on a different plane.
- 2.5 Paragraph 7.4 of the Council's statement continues by commenting that the proposed three part rear window to the rear extension at this level would be unusual in the terrace. However, as set out above the proposed window replicates that existing on the rear elevation of the appeal premises and preserves the existing pattern of architectural detailing on this elevation. The fact that this window currently differs from that of other properties along the rear terrace only serves to reinforce our view that the appeal premises, as existing, is not consistent in its design approach to other properties along the terrace. We contend that the differences between the appeal premises and the terrace of which it forms a part, together with the more development nature of the southern end of these appeals. As a result we believe that a greater degree of leniency should be accorded to the development proposals.
- 2.6 The Council continues at paragraph 7.4 by stating that the floors of the proposed extension will be at the same level as the floors within the main house and that as such the proposed two storey extension would be taller than those elsewhere along the terrace. In responding to this assertion we note that the extension will remain approximately 500mm lower than the adjacent extension at No. 35 Paultons Square, will be set back from the rear building line by approximately 450mm, will remain at least one storey level in height below the main parapet level and will still read only as a two storey extension. Moreover, the very fact that all of the buildings along the terrace, except for the appeal premises, have floors set at half landing level reinforces our view that this property is of a markedly different design to other properties along the terrace. We consider that these differences should be taken into account when determining these appeals.



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- Given the unique design of the appeal premises when considered against other buildings 2.7 along the terrace we contend that if planning permission were granted for the development proposals this would not create a precedent in relation to subsequent proposals for rear extensions elsewhere along the terrace (paragraph 7.3 of Council's statement).
- 2.8 At paragraphs 7.5 to 7.7 the Council assess the proposals against the UDP policies referred to in the decision notices. These issues are addressed in full within the appellant's statement. With particular reference to Policy CD41, however, we note that the proposed development no such extension does not rise above the height of neighbouring extensions (criterion c), would remain visually liolii subordinate (d), would not spoil any particular 'rhythm' of terraces along the rear elevation (f) and is appropriate in design terms when considered in the context of the existing development (i).
 - Nelevias At paragraph 7.8 the Council states that the proposals may be contrary to policy CD61 which Seen addresses the setting of listed buildings. We do not consider this policy to be relevant on the A basis that the development will not in fact be visible from any listed buildings in the 16 surrounding area. The extension is concealed from the rest of the terrace by the two existing flank walls at Nos. 34 and 35 Paultons Square, while the properties on Paultons Street from Square which the rear elevation may be observed are not listed buildings. setting (or

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- 1 us Feel Paragraphs 7.10 and 7.11 refer to a proposal for a rear extension at No. 54 Paultons Square, as herahbar recently determined at appeal. This issue is addressed in detail at paragraphs 6.18 to 6.21 of the appellant's statement.
- 2.11 At paragraph 8.1 the Council draw reference to English Heritage guidance stating that full width extensions should not generally be permitted. In response to this comment we note that the supporting text to this guidance states that 'particular circumstances will vary' and that, in general, the guidance relates to London terraced houses dating from between 1660 and 1880, reflec not reconstructed properties dating from the 1950's. As expanded upon in the appellant's statement of case, we consider that a greater degree of leniency should be afforded to the appeal site on the basis that it does not form an original element of the terrace and that the existing 'lightwell' is surrounded by three storey flank extensions. Consequently, it is our view that this already much altered building could accommodate the sensitive changes proposed without harming either its character or that of the terrace within which it is located.

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GVA Grimley

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3.0 Suggested Conditions

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3.1 Should the Inspector be minded to allow the appeals, the appellant is prepared to agree with the three conditions as proposed by the Council at Appendix 14 of their hearing statement.



The Planning Inspectorate



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

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Direct Line	0117-3728901
Switchboard	0117-3728000
Fax No	0117-372880
GTN	1371-8901

Ms R Gill (Dept Of Planning & Conservation)	Your Ref:	LB/02/00850
Kensington And Chelsea R B C		
3rd Floor	Our Ref:	APP/K5600/E/02/1098954
The Town Hall		APP/K5600/A/02/1098955
Hornton Street		
London	Date:	14 March 2003
W8 7NX		

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990 PLANNING (LISTED BUILDING AND CONSERVATION AREAS) ACT 1990 **APPEALS BY MR F MONCADA** SITE AT 34 PAULTONS SQUARE, LONDON, SW3 5DT

NOTIFICATION OF INSPECTOR

I am writing to inform you that the Inspector appointed to hold the hearing into the above appeals will now be:

Mr Roger Brown DipArch ARIBA DipTP MRTPI.

You have already been given notice of the arrangements for this hearing.

Yours faithfully Mr Sean Robbins

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

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FROM: EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION

MY REF(S): RAG/PP/02/00849/SW & (LB/02/850/SW) YOUR REF: SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 2081

DATE: ...16 May 2003...

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL34 Paultons Square, SW3

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, CABINET MEMBER FOR PLANNING POLICY RM: 253 TOWN CLERK & CHIEF EXECUTIVE A.KHAN DIRECTOR OF LAW AND ADMINISTRATION...L. PARKER RM: 315 RM: 315 LEGAL ASSISTANT (ENFORCEMENT ONLY).. H. VIECHWEG LAND CHARGES...... M. IRELAND RM: 306 **RM: G29** RM: 230 TRANSPORTATION......B.MOUNT EXECUTIVE DIRECTOR OF PLANNING & CONSERVATION HEAD OF DEVELOPMENT CONTROL APPEALS OFFICER NORTH CENTRAL SOUTH-EAST SOUTH-WEST INFORMATION OFFICE FORWARD PLANNING...... G. FOSTER STATUTORY REGISTER EILE(S) SYSTEMS.....C. STAPLETON