

ROYAL BOROUGH  
OF  
KENSINGTON & CHELSEA

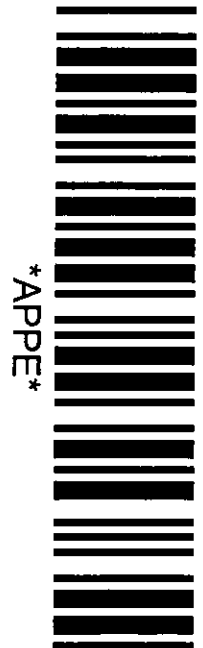
DOCUMENT SEPARATOR

DOCUMENT TYPE:

APPEAL



\*APPE\*



\*APPE\*

Mr Derek Taylor  
Planning and Conservation  
The Royal Borough of  
Kensington and Chelsea  
The Town Hall  
Hornton Street  
London  
W8 7NX

(Handwritten notes and stamps):  
① DPCLUB  
② DT  
Ja  
24/6.  
41

22<sup>nd</sup> June 2003

Your ref:PP/02/02818/MIND

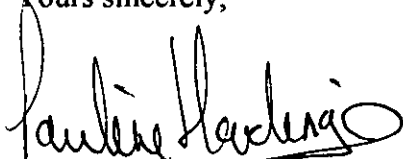
1 Swanscombe Road, London W11 4SU

Dear Mr Taylor,

With reference to the above property planning application appeal, I would like to make a request for you to visit me at the above address, to discuss relevant points of the application, prior to me making the appeal. If this is possible, could it be arranged within the next two weeks?

I hope you will be able to consent to this meeting.

Yours sincerely,



**Pauline Hardinge**  
1 Swanscombe Road  
London  
W11 4SU

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.	24 JUN 2002				PLANNING	
K.C.						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

**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**

Pauline Hardinge  
1 Swanscombe Road  
London  
W11 4SU

Extension: 2701  
Direct Line: 0207-361-2701  
Facsimile: 0207-361-3463  
Email: plndmt@rbkc.gov.uk  
Web: www.rbkc.gov.uk  
Mr.: D. Taylor

28 July 2003

My reference: DPS/DCN/PP/02/ Your reference:  
2818

Please ask for: Mr D. Taylor

Dear Madam,

**Town and Country Planning Act 1990**  
**1 Swanscombe Road W11**

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I refer to your letter of 22<sup>nd</sup> June 2003, and I do apologise for the delay in this reply.

I am sorry that I have been unable to meet you to discuss your appeal, and I see that planning permission was refused on 3<sup>rd</sup> February which means that you must lodge an appeal by 2<sup>nd</sup> August for an appeal to be valid.

In the circumstances I think the best I can do is to enclose a copy of the Case Officers report on your application, which sets out the reasons why it was concluded that a refusal of planning permission was the most appropriate decision.

Yours faithfully,

Derek Taylor,  
Area Planning Officer  
For  
Executive Director, Planning & Conservation



INVESTOR IN PEOPLE

# The Planning Inspectorate

Further information about us and the planning appeal system is available on our website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)

For official use only  
Date Received

# PLANNING APPEAL FORM

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If you need this document in large print, on audio tape, in Braille or in another language, please contact our helpline on 0117 372 6372.

Please use a separate form for each appeal

Your appeal and essential supporting documents must reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice (or, for 'failure' appeals, within 6 months of the date by which they should have decided the application)

Before completing this form, please read our booklet 'Making your planning appeal' which was sent to you with this form.

**WARNING:** If any of the 'Essential supporting documents' listed in Section J are not received by us within the 6 month period, the appeal will not be accepted.

Please print clearly in capitals using black ink

## A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name

PAULINE ANN HARDINGE

Address

1 SWANSCOMBE ROAD

Daytime phone no

020 7602 1023

LONDON

Fax no

020 7602 1023

Postcode

W11 4SU

E-mail address

phardinge50@hotmail.com

## B. AGENT DETAILS FOR THE APPEAL (if any)

Name

Address

Your reference

Daytime phone no

Fax no

Postcode

E-mail address

## C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the LPA ROYAL BOR. OF KENSINGTON & CHELSEA

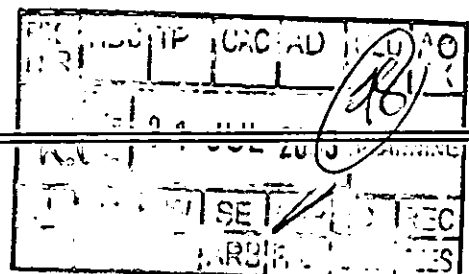
LPA's application reference no. PP/02/02818/DT

Date of the planning application

14 Dec 2002

Date of LPA's decision notice (if issued)

3rd Feb. 2003



**D. APPEAL SITE ADDRESS**

D

Address

1 SWANSCOMBE ROAD  
LONDON  
**44**

Postcode

N11 4SU

Note: Failure to provide the full postcode may delay the processing of your appeal.

Is the appeal site within a Green Belt?

YES  NO

**5**

**E. DESCRIPTION OF THE DEVELOPMENT**

Size of the whole appeal site (in hectares)

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

50 sq. m.

Has the description of the development changed from that stated on the application form? YES  NO

If YES, please state below the revised wording, and enclose a copy of the LPA's agreement to the change.

**F. REASON FOR THE APPEAL**

This appeal is against the decision of the LPA to:

Please tick **one** box only

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

## G. CHOICE OF PROCEDURE

45 G

### CHOOSE ONE PROCEDURE ONLY

You should start by reading our booklet 'Making your planning appeal' which explains the different procedures used to determine planning appeals. In short there are 3 possible methods: - written representations, hearings and inquiries. You should consider carefully which method suits your circumstances.

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

Please tick ✓

#### 1. WRITTEN REPRESENTATIONS

This is normally the simplest, quickest and most straightforward way of making an appeal. Three out of every four people making an appeal choose this method. The written procedure is particularly suited to small-scale developments (e.g. extensions of buildings, individual houses or small groups of houses, appeals against conditions and changes of use). It is also very popular with people making their own appeal without professional help. The process involves the submission of written 'grounds of appeal' followed by a written statement and any supporting documents. It also provides an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). An Inspector will study all of the documents before visiting the appeal site/area and issuing a written decision.

**NOTE: The Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.**

- a). If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?
- YES
- NO
- b). Is it essential for the Inspector to enter the site to check measurements or other relevant facts?
- YES
- NO

If the answer to 1b is 'yes' please explain

#### 2(a). HEARINGS

This process is likely to be suited to slightly more complicated cases which require detailed discussion about the merits of a proposal. Like the written procedure, the process starts with the submission of 'written grounds of appeal' followed by a full written statement of case and an opportunity to comment in writing on the Local Planning Authority's reasons for refusing permission (or failing to determine the application). The Planning Inspectorate will then arrange a hearing at which the Local Planning Authority and the appellant(s) will be represented. Members of the public, interested bodies (e.g. Parish/Town Councils) and the press may also attend. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. The Inspector will visit the site/area and issue a written decision in the same way as the written procedure.

Although you may prefer a hearing the Inspectorate must consider your appeal suitable for this procedure.

#### (b) INQUIRES

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar as the parties to the appeal will usually be legally represented and expert witnesses will be called to give evidence. Members of the public and press may also attend. In general, inquiries are needed for appeals that:

- are complex and unduly controversial;
- have caused a lot of local interest;
- involve the need to question evidence through formal cross-examination.

## H. GROUNDS OF APPEAL

H

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

If you have requested a hearing or an inquiry, you do not have to provide your full grounds of appeal. You can provide only a brief outline of your grounds, but it must be sufficiently detailed and comprehensive enough to enable the LPA to prepare their case.

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

Please continue on a separate sheet if necessary.

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- 4.3 Tiling on mansard would be similar to three-storey development at No 3a Swanscombe Road (The Gatehouse)  
Bricks as existing.  
Height - 2.7 metres above existing roof.
- 4.5 Why should the logic re No 7 Swanscombe Rd development (decision awaiting), be used to determine the outcome of my application when the new addition would be still considerably lower than the ridge line of No 3a Swanscombe Rd (The Gatehouse)
- 4.6 The proposed external staircase could be enclosed.
- 4.7 I had already spoken to the owners of No. 3 (The Organ Factory) who at that time did not express the same feelings of enclosure as expressed in planning considerations. Nor did they send in an objection letter. Note. No 3 has an external metal staircase to their residential property.
- 4.8 When No 33 purchased their property they would be totally aware of the layout situation with all existing features of No 1. and their garden being overlooked by a bedroom window. However the new proposed bedsit would not have any overlooking windows, the elevation would be blue slate, which in my opinion would be more attractive to view than the existing wall.
- 4.9. The proposed front door could be changed to the North facing elevation (spiral staircase permitting).
- 4.10 Daylight is severely restricted to No 33's garden because of their large tree, situated in their garden and the addition of a mansard roof would not decrease the daylight any more than

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H. GROUNDS OF APPEAL (continued)

the surrounding trees. This leaves them with a sharp envelope of direct sunlight when the sun is overhead.

H. 11 My son would inhabit the proposed extension, at present he occupies the small bedroom, which overlooks the rear of No 33. The proposed ~~bedit~~ would secure for him, living accommodation at an important stage in his life, particularly after returning from the War, after being mobilised from the TA 4 Para unit which obviously caused an upheaval in his personal life. As a locally born inhabitant, with elderly ailing parents nearby providing living accommodation for my son also creates a supporting role for my direct family and myself.

I support the proposed mansard and think it would be an improvement to the residential building and surrounding area.

SP



# I. 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). We also need to be sure that any other owner knows that you have made an appeal. **YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.** Please read the enclosed *Guidance Notes* if in doubt.

If you are the sole owner of the whole appeal site, certificate A will apply:

Please tick one box only

## CERTIFICATE A

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

OR

## CERTIFICATE B

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

Owner's name	Address at which the notice was served	Date the notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

## CERTIFICATES C and D

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

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

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

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

OR

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

Tenant's name	Address at which the notice was served	Date the notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

# J. ESSENTIAL SUPPORTING DOCUMENTS

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J

The documents listed in 1-6 below, must be sent with your appeal form; 7-11 must also be sent if appropriate. If we do not receive all your appeal documents by the end of the 6 month appeal period, we will not deal with it. Please tick the boxes to show which documents you are enclosing.

bl

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

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

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

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

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

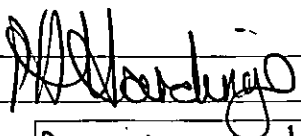
## K. PLEASE SIGN BELOW

**K**

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

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

Signature



(on behalf of)



Name (in capitals)

PAULINE AND HARDINGE

Date

30<sup>th</sup> July 03

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the booklet accompanying this appeal form.

### NOW SEND

**• 1 COPY to us at:**

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

**• 1 COPY to the LPA**

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

**• 1 COPY for you to keep**

When we receive your appeal form, we will:

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

**YOU MUST KEEP TO THE TIMETABLE**

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

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

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

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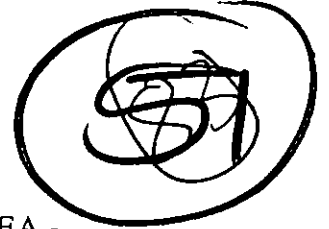
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The Copyright Unit  
Her Majesty's Stationary Office  
St Clements House  
2-6 Colegate  
Norwich NR3 1BQ

**NEW APPEAL**

**DATE:** 31-7-03

TO: DEREK TAYLOR / PAUL KELSEY  
JOHN THORNE / BRUCE COEY



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

..... 1 Swanscombe Road, W10 .....

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

..... DT .....

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. **YOU ARE REMINDED TO ORDER LAND USE MAPS AS APPROPRIATE AT THIS STAGE**

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

THANK YOU

PP/02/288

A/03/ 112 3495

**APPEAL NOTIFICATIONS**

Re: ...1...Swanscombe Road.....

52 (circled) 84 (circled)

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: (NOB)

- 1. Cllr D. Lindsay
- 2. Cllr E. Tomlin.
- 3. Cllr R. Walker-Arnott.

✓ x23.

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:

- 1.
- 2.
- 3.

ALL 3<sup>RD</sup> PARTIES ORIGINALLY NOTIFIED (inc. Hammersmith & Fulham) ✓

ALL OBJECTORS/SUPPORTERS

STATUTORY BODIES ORIGINALLY NOTIFIED

ENGLISH HERITAGE

OTHERS:.....

**APPEAL**

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TO: Derek Taylor

FROM: RAG

DATE RECEIVED: 31/07/2003

EXTN: 2081

**APPEAL**

**APPEAL**

**CASE OFFICER:** Mr.D. Taylor

**ADMIN OFFICER:**

**OUR REF:**

**ODPM REF:**

PP/02/02818

App/K5600/A/03/1123837

**ADDRESS: 1 Swanscombe Road, London, W11 4SU**

Description: Erection of a mansard roof addition to form new storey at second floor level to accommodate new self-contained residential "bedsitter" unit, including erection of full height spiral staircase in existing front yard.

**REASON FOR APPEAL: REF**

THE APPEAL WILL BE DETERMINED BY WAY OF:

WRITTEN REPRESENTATIONS

INFORMAL HEARING

PUBLIC INQUIRY

START DATE OF APPEAL 13<sup>th</sup> August 2003

3rd PARTY LETTERS DUE: 27<sup>th</sup> Aug '03 SENT: 22/8/03.

QUESTIONNAIRE DUE: 27<sup>th</sup> Aug '03 SENT:

WRITTEN REPS STAT DUE: 24<sup>th</sup> Sept '03 SENT: 1/9/03.

INFORMAL HEARING STAT DUE: \_\_\_\_\_ SENT:

PUBLIC INQUIRY RULE 6/8 DUE: \_\_\_\_\_ SENT:

PROOF EXCHANGE DUE: \_\_\_\_\_ SENT:



# The Planning Inspectorate

3/07 Kite Wing  
 Temple Quay House  
 2 The Square  
 Temple Quay  
 Bristol BS1 6PN  
<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728930  
 Switchboard 0117-3728000  
 Fax No 0117-3728443  
 GTN 1371-8930

*Handwritten initials 'LD' in a circle and 'SA' in a larger circle.*

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/02/02818/DT  
 Our Ref: APP/K5600/A/03/1123495  
 Date: 11 August 2003

Dear Madam

TOWN & COUNTRY PLANNING ACT 1990  
 APPEAL BY MS PAULINE A HARDINGE  
 SITE AT 1 SWANSCOMBE RD, LONDON, W11 4SU

EX	HDC	TP	CAC	AD	CLU	AO
DIR						AK
R.B.		12 <sup>th</sup> AUG 2003		PLANNING		
K.C.						
N	C	S	P	IO	REC	
			ARB	FPLN	DES	FEES

*Handwritten number '21' in a circle.*

I have received an appeal form and accompanying documents for this site. I am the case officer. If you have any questions please contact me. Apart from the questionnaire, please always send **2 copies** of all further correspondence, giving the full appeal reference number which is shown at the top of this letter.

I have checked the papers and confirm that the appeal is 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 appellant has requested the written procedure. Unless you tell me otherwise, I will assume that you do not want an inquiry. The date of this letter is the **starting date** for the appeal.

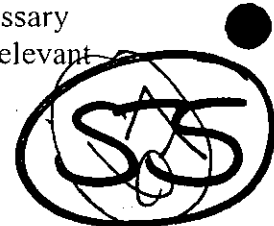
The following documents must be **submitted** within this timetable:

**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 appeal has 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 appeal decision they must write to me asking for one.

You must submit a copy of a completed appeal questionnaire with copies of all necessary supporting documents, to the appellant and me. It is essential that details of all the relevant development plan policies are included with it at this early stage.



**Within 6 weeks from the starting date -**

You must submit 2 copies of your statement to me if the appeal questionnaire does not comprise the full details of your case. The appellant must submit 2 copies of any statement to me if it proves necessary to add to the full details of the case made in the grounds of appeal. I will send a copy of your statement to the appellant and send you a copy of their statement. Please keep your statement concise, *as recommended in Annex 1(i) of DETR Circular 05/2000*. I will send you and the appellant a copy of any comments submitted by interested parties.

**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.

Site visit arrangements

We will arrange for our Inspector to visit the appeal site and we will send you the details. Our aim is to arrange the visit within 12 weeks of the **starting date**, but from time to time it may take us a little longer.

You **must keep to the timetable** set out above and ensure 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. Inspectors will not accept representations at the site visit, nor will they delay the issue of their decision to wait for them. As I have given details of the timetable, I will not send you reminders.

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, you must submit a completed, signed and dated copy before the date of the site visit. An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

Yours faithfully

*P. Shorland*

Mr Dave Shorland

pp



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For official use only  
Date Received

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# QUESTIONNAIRE

## PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

APPEAL REF: APP/K5600/A03/1123498 GRID REF:                     

APPEAL BY: MS PAULINE A HARDINGE

SITE: 1 SWANSCOMBE ROAD POSTCODE W11 4SU

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** 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'.

<p>1. Do you agree to the written representations procedure? (An exchange of written statements, which will be studied by the Inspector, prior to visiting the site).</p> <p>if NO, Do you wish to be heard by an Inspector at</p> <p>(a) a local inquiry? or</p> <p>(b) a hearing?</p> <p><b>Note: If the written procedure is agreed the Inspector will visit the site <u>unaccompanied</u> by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.</b></p> <p>2a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road or other public land?</p> <p>b. Is it essential for the Inspector to enter the site to check measurements or other relevant facts?</p> <p>If the answer to 2b is YES please explain: <u>to achieve a</u> <u>fuller perspective of the proposed development</u></p> <p>3. Please provide the name and telephone number of the officer we can contact to make arrangements for the site visit, hearing or inquiry.</p> <p>4. Does the appeal relate to an application for approval of reserved matters?</p> <p>5. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?</p>	<p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO</p> <p><input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> NA</p> <p>Name <u>Rebecca Gill</u></p> <p>Telephone no. <u>020 7361 208</u></p>
--	--

6. Did you give publicity to the application?

YES  NO

- Article 8 of the GDPO 1995

- Section 67/73 of the Planning (Listed Buildings & Conservation Areas) Act 1990

- Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990

**S7**

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

YES  NO

Please specify which

[ ]

8. 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, please attach details.

YES  NO

9. 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.

YES  NO

b. Would the development require the stopping up or diverting of a public right of way? If YES, please provide an extract from the Definitive Map and Statement for the area, and any other details.

YES  NO

10. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q12.)

YES  NO

11. Does the appeal relate to an application for conservation area consent?

YES  NO

12. a. Does the proposed development involve the demolition, alteration or extension of a Grade I / II\* / II listed building?

YES  NO  
Grade I / II\* / II

b. Would the proposed development affect the setting of a listed building?

YES  NO

If the answer to question 12a 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 Q14.)

Date of listing

[ ]

13. Has a grant been made under Sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?

YES  NO

14. a. Would the proposals affect an Ancient Monument (whether scheduled or not)?

YES  NO

b. If YES, was English Heritage consulted? Please attach a copy of any comments.

YES  NO

15. Is any part of the site subject to a Tree Preservation Order?

YES  NO

If YES, please enclose a plan showing the extent of the Order and any relevant details.

16. a. Is the appeal site in or adjacent to or likely to affect an SSSI?

YES  NO

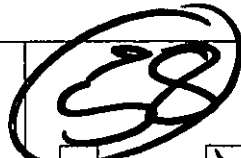

If YES, please attach the comments of English Nature.

b. Are any protected species likely to be affected by the proposals? If YES, please give details.

YES  NO

17. Copies of the following documents must, if appropriate, be enclosed with this 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.

<input type="checkbox"/> YES Sch1	<input checked="" type="checkbox"/> NO Sch2 col 1
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO
<input type="checkbox"/> YES	<input checked="" type="checkbox"/> NO

- 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 67/73 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 67/73 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 udpc chapters 1-5 (Adopted May 2002)*
- j. Any supplementary planning guidance, together with its status, that you consider necessary;
- k. Any other relevant information or correspondence you consider we should be aware of;
- l. Please provide us with a list of conditions which you consider should be imposed if planning permission is granted. **You need not submit this with the other questionnaire papers, but it should reach us within 6 weeks from the starting date. Being a questionnaire paper, the list should be submitted separately from your appeal statement.**

Number of Documents Enclosed	N/A
	✓
	✓
1	
1	
	✓
✓	
	✓
	✓
Enclosed	To be sent within 6 weeks from start date
	✓

18. a. Please include:

- i) a copy of the letter in which you notified people of the appeal;
- ii) a list of the people you notified; and
- iii) the deadline you gave for their comments to be sent to us.

b. Copies of the following documents must, if appropriate, be enclosed with the questionnaire.

- i) representations received from interested parties about the original application;
- ii) the planning officer's report ~~to committee~~; **DELEGATED**
- iii) any relevant committee minute.

**59**  
22nd SEPT 03

Number of Documents Enclosed	N/A
1	
✓	
	✓

**80**

19. For appeals dealt with by written representations only

Do you intend to send another statement about this appeal?  
If NO, please enclose the following information:-

YES  NO

a. In non-determination cases:

- i) what the decision notice 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 the Inspector to note at the site visit.

~~20. 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 to the appellant or agent.

Signature



on behalf of

**RBK&C**

Council

Date sent to us and the appellant

**22nd August '03**

Please tell us of any changes to the information you have given on this form.

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The Copyright Unit  
Her Majesty's Stationary Office  
St Clements House  
2-6 Colegate  
Norwich NR3 1BQ

4.3 Tiling on mansard would be similar to three-storey development at No 3a, Swanscombe Road (The Gatehouse)

Bricks as existing.

GROUNDS OF APPEAL

Height - 2.7 metres above existing roof.

4.5 Why should the logic re No 7 Swanscombe Rd development (decision awaiting), be used to determine the outcome of my application when the new addition would be still considerably lower than the ridge line of No 3a Swanscombe Rd (The Gatehouse)

4.6 The proposed external staircase could be enclosed.

4.7 I had already spoken to the owners of No. 3 (The Organ Factory) who at that time did not express the same feelings of enclosure as expressed in planning considerations. Nor did they send in an objection letter. Note. No 3 has an external metal staircase to their residential property.

4.8 When No 33 purchased their property they would be totally aware of the layout situation with all existing features of No 1, and their garden being overlooked by a bedroom window. However the new proposed bedsit would not have any overlooking windows, the elevation would be blue slate, which in my opinion would be more attractive to view than the existing wall.

4.9. The proposed front door could be changed to the North facing elevation (spiral staircase permitting).

4.10 Daylight is severely restricted to No 33's garden because of their large tree, situated in their garden and the addition of a mansard roof would not decrease the daylight any more than

the surrounding trees. This leaves them with a slant envelope of direct sunlight when the sun is overhead.

4.11 My son would inhabit the proposed extension, at present he occupies the small bedroom, which overlooks the rear of No 33. The proposed bedsit would secure for him, living accommodation at an important stage in his life, particularly after returning from the Bay War, after being mobilised from the TA 4 Para unit which obviously caused an upheaval in his personal life. As a locally born inhabitant, with elderly ailing parents nearby, providing living accommodation for my son also creates a supporting role for my direct family and myself.

71  
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Reasons for Refusal

The proposed additional storey and external spiral staircase would add a degree of bulk to the existing two storey building sufficient to result in harm both to the immediate townscape and levels of amenity enjoyed by the residents of nearby property. As such, the proposal is contrary to Policies of the Unitary Development Plan, in particular CD25, CD28, CD30, CD30a, CD44, CD52 and CD53.

Property

1 Swanscombe Road, London, W11 4SU

Proposal

Erection of a mansard roof addition to form new storey at second floor level to accommodate new self-contained residential "bedsitter" unit, including erection of full height spiral staircase in existing front yard.

---

**PLANNING AND CONSERVATION**

~~THE TOWN HALL HORNTON STREET LONDON W8 7NX~~

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

62

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

Pauline Ann Hardinge  
1 Swanscombe Road  
London  
W11 4SU

Switchboard: 020-7937-5464  
Direct Line: 020-7361- 2701  
Extension: 2701  
Facsimile: 020-7361-3463

Date: 22 August 2003

My Ref: DPS/DCN/PP/02/02818/DT  
ODPM's Reference: App/K5600/A/03/1123495 Please ask for: Mr.D. Taylor

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Appeal relating to: 1 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.



INVESTOR IN PEOPLE

---

**PLANNING AND CONSERVATION**

---

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

---

Office of the Deputy Prime Minister,  
3/07 KiteWing,  
Temple Quay House,  
2 The Square, Temple Quay,  
Bristol, BS1 6PN

Switchboard: 020-7937-5464

Direct Line: 020-7361-2081

Extension: 2081

Facsimilie: 020-7361-3463

---

---

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

---

---

Date: 22 August 2003

My Ref: DPS/DCN/PP/02/02818/DT

ODPM's Reference: App/K5600/A/03/1123495

Please ask for: Rebecca Gill

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Appeal relating to: 1 Swanscombe Road, London, W11 4SU**

With reference to the appeal on the above premises, I return the completed questionnaire, together with supporting documents. In the event of this appeal proceeding by way of a local Inquiry the Inspector should be advised that Committee Rooms in the Town Hall must be vacated at 5.00 p.m. unless prior arrangements have been made for the Inquiry to continue after 5.00 p.m.

Yours faithfully,

**M.J. FRENCH**

Executive Director, Planning and Conservation

Enc.



INVESTOR IN PEOPLE



**PLANNING AND CONSERVATION**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

64

**THE ROYAL  
BOROUGH OF**



**KENSINGTON  
AND CHELSEA**

File Copy

Direct Line: 020-7361-2701

Extension: 2701

Facsimilie:

Switchboard: 020-7937-5464

020-7361-3463

Date: 22 August 2003

My Ref: DPS/DCN/PP/02/02818

ODPM's Reference: App/K5600/A/03/1123495 Please ask for: Mr.D. Taylor

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990**

**Notice of a Planning Appeal relating to: 1 Swanscombe Road, London, W11 4SU**

A Planning Appeal has been made by Mrs. P. A. Hardinge, to the Planning Inspectorate in respect of the above property. This appeal is against the Council's decision to refuse planning permission for : Erection of a mansard roof addition to form new storey at second floor level to accommodate new self-contained residential "bedsitter" unit, including erection of full height spiral staircase in existing front yard.. This appeal will proceed by way of **WRITTEN REPRESENTATIONS**. Any representations you wish to make should be sent to:

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

Please send 3 copies and quote the ODPM's reference given above. **The Inspectorate must receive your representations by 22/09/03 for them to be taken into account.** (Representations made in respect of the planning application have already been copied to the Inspectorate, and these will be considered when determining the appeal unless they are withdrawn before 22/09/03). Correspondence will only be acknowledged on request. Any representations will be copied to **all** parties including the Inspector dealing with the appeal and the Appellant. Please note that the Inspectorate will only forward a copy of the Inspector's decision letter to those who request one.

I attach a copy of the Council's reasons for refusal and the Appellant's grounds of appeal. The Appellant's and Council's written statements may be inspected in the Planning Information Office after 22/09/03 (**please telephone ahead in order to ensure that these are available**). If you have any further queries, please do not hesitate to contact the case officer on the above extension.

**Yours faithfully**

**M. J. FRENCH**

**Executive Director, Planning and Conservation**



**INVESTOR IN PEOPLE**

**31 St Ann's Villas  
London W11 4RT**

Tel. - 020 7603 0772  
e-mail - JandW.Woolf@btinternet.com

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16

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

12th September 2003

Dear Sir or Madam

Ref:- App/K5600/A/03/1123495

1 Swanscombe Road, London W11 4SU

Our property, a four storey house, adjoins the site under discussion and overlooks the proposed additional floor. We believe that neither of the two cited reasons for refusal are justified.

**1) Bulk and harm to Landscape**

An adjacent building, known as The Gatehouse at 3 Swanscombe Road, has recently been built with a mansard roof which would remain higher than the proposed mansard roof line for 1 Swanscombe Road. In terms of landscape having adjoining mansard roofs (even with them not being the same height) would be more attractive than the existing mansard adjacent to the current flat roof of 1 Swanscombe Road.

The next building along the same road, 5 Swanscombe Road, has been granted permission by your Appeal offices to be a FIVE (5) storey building which IS totally out of keeping with the cityscape, but which you recently deemed to be acceptable.

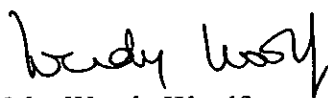
The application is for is a modest addition, to a height lower than ANY of the neighbouring buildings and therefore does not add undue bulk.

**2) Harm to Amentiy**

The FIVE (5) storey building for which permission has been granted by your Appeal offices at 5 Swanscombe Road is a much deeper building which will effect the light amenity to all surrounding properties including ours. The proposed bedsit would not look over the neighbouring buildings; the house already has 2 picture windows on the floor below which overlook us and other neighbours. There would therefore be no loss of amenity.

The family have lived in the neighbourhood for over 30 years, with grandparents around the corner. He wishes to leave home, but the prices in our neighbourhood are now SO high that "locals" can no longer stay. The young man has only just finished university following which he was in Iraq for 5 months and now needs to be allowed to settle down with a job and recover from that experience with dignity and in the privacy of his own space. We support the proposed application, which would provide the required living accommodation without harming the neighbourhood.

Yours faithfully



Mrs Wendy Woolf



# The Planning Inspectorate

DT

3/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN  
<http://www.planning-inspectorate.gov.uk>

Direct Line 0117-3728930  
Switchboard 0117-3728000  
Fax No 0117-3728443  
GTN 1371-8930

66

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/02/02818/DT  
Our Ref: APP/K5600/A/03/1123495  
Date: 24 September 2003

5

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MS PAULINE A HARDINGE  
SITE AT 1 SWANSCOMBE RD, LONDON, W11 4SU**

I enclose third party correspondence relating to the above appeal.

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.

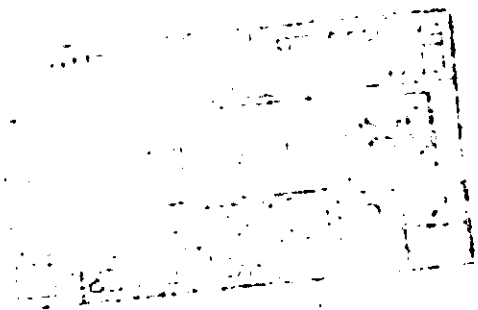
Yours faithfully

Mr Dave Shorland

211AL(BPR)

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		25 SEP 2003		PLANNING		
N	C	SW	SE	APP	IO	REC
		ARB	FPL	DES	FEE	

10





# 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 0117-372880  
Switchboard 0117-372800  
Fax No 0117-3728804  
GTN 1371-8808

67  
17

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/02/02818/DT  
Our Ref: APP/K5600/A/03/1123495  
Date: 20 October 2003

EX DIR	HDC	TP	CAC	AD	CLU	AC AK
R.B. K.C.		24 OCT 2003			PLANNING	
N	C	SW	APP	IO	REQ	
		ARB	EPLN	DES	FEE	

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY MS PAULINE A HARDINGE**  
**SITE AT 1 SWANSCOMBE RD, LONDON, W11 4SU**

58

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

Mr Peter Jamieson CEng MICE MIHT MCMi MRTPI.

As part of the normal procedures, the Inspector will be visiting the site. The purpose of the visit is to enable the Inspector to assess the impact of the development on the surrounding area. We understand that the site can be adequately viewed without any need to gain access to private land. Therefore, the Inspector will visit the site unaccompanied by the parties. Our aim is for the visit to be carried out no later than the week commencing 3 November 2003. However, the time and date on which the visit actually takes place will be at the discretion of the Inspector.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, 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

*L. m. Hutton*

Miss Linda Hutton

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

209G



# The Planning Inspectorate

DT

3/23 Hawk Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

Direct Line 0117-3728808  
Switchboard 0117-3728000  
Fax No 0117-3728804  
GTN 1371-8808

<http://www.planning-inspectorate.gov.uk>

68

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/02/02818/DT  
Our Ref: APP/K5600/A/03/1123495  
Date: 12 November 2003

68

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MS PAULINE A HARDINGE  
SITE AT 1 SWANSCOMBE RD, LONDON, W11 4SU**

I am writing to inform you that the unaccompanied site inspection which was scheduled to take place during week commencing Monday 3 November 2003, was aborted because the inspector could not see the whole site from public land. An accompanied site visit is therefore required.

A fresh date for the site visit will be arranged as soon as possible.

Yours faithfully

*L. M. Hutton*

Miss Linda Hutton

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

209H

EX DIR	HDC	TP	TAC	AD	CLU	AO AK
R.B. K.C.		13 NOV 2003			PLANNING	
N	C	SE	APP	IO	REC	
		ARB	FPLN	DES	FEEES	

16

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# The Planning Inspectorate

DT.

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

Direct Line 0117-3728645  
Switchboard 0117-3728000  
Fax No 0117-3728804  
GTN 1371-8645

19

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/02/02818/DT  
Our Ref: APP/K5600/A/03/1123/95  
Date: 26 November 2003

69

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
RB	27 NOV 2003				PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

55

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MS PAULINE A HARDINGE  
SITE AT 1 SWANSCOMBE RD, LONDON, W11 4SU**

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

Mr R Mordey BA(Hons) MCD MRTPI

The Inspector will visit the appeal site at 09:45 on Tuesday 9 December 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 appeal 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, 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

MW

70

Mrs Margaret Whellams

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

209D



# 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 0117-3728645  
Switchboard 0117-3728000  
Fax No 0117-3728804  
GTN 1371-8645

DT  
73

Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/02/02818/DT  
Our Ref: APP/K5600/A/03/1123495  
Date: 2 December 2003

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Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990  
APPEAL BY MS PAULINE A HARDINGE  
SITE AT 1 SWANSCOMBE RD, LONDON, W11 4SU**

EX DIR	HDC	TP	CAC	AD	CLU	AO AK
R.B. K.C.		04 DEC 2003			PLANNING	
N	C	SW	SE	APP	IO	REC
			ARB	PLN	DES	FEES

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**Please note change of time.**

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

**Mr Dick Mordey BA(Hons) MCD MRTPI.**

As notified by telephone today, the Inspector will visit the appeal site **at 10:00** on 9 December 2003. It is understood that you will arrange for the Inspector to be met at the site to enable the inspection to be made.

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

Yours faithfully

ML

72

Mrs Margaret Whellams

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

209C

**TO: SEE DISTRIBUTION LIST**

**FROM: EXECUTIVE DIRECTOR OF  
PLANNING & CONSERVATION**

MY REF(S): RAG/PP/02/02818  
ODPM's Reference: App/K5600/ A/03/1123495  
ROOM NO: 324

YOUR REF:  
SEE DISTRIBUTION LIST  
EXTN: 2081

73

**DATE: 06/01/2004**

**TOWN AND COUNTRY PLANNING ACT, 1990**

**APPEAL ..... 1 Swanscombe Road, London, W11 4SU**

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:**

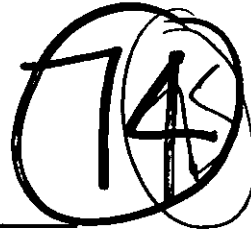
COUNCILLOR TIM AHERN, CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR L. A. HOLT, VICE CHAIRMAN, PLANNING SERVICES COMMITTEE  
COUNCILLOR IAN DONALDSON  
COUNCILLOR RIMA HORTON  
COUNCILLOR BARRY PHELPS  
COUNCILLOR DANIEL MOYLAN, CABINET MEMBER FOR PLANNING &  
TRANSPORTATION  
TOWN CLERK & CHIEF EXECUTIVE ..... A.KHAN RM: 253  
DIRECTOR OF LAW AND ADMINISTRATION...H. TITCOMBE RM: 315  
LAW & ADMINISTRATION (ENFORCEMENT).. H. TITCOMBE 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

3/07 Kite Wing  
Temple Quay House  
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Switchboard 0117-3728000  
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GTN 1371-8930



Ms R Gill (Dept Of Planning & Conservation)  
Kensington And Chelsea R B C  
Planning Services Department  
3rd Floor  
The Town Hall  
Hornton Street  
London  
W8 7NX

Your Ref: PP/02/02818/DT  
Our Ref: APP/K5600/A/03/1123495  
Date: 5 January 2004

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990**  
**APPEAL BY MS PAULINE A HARDINGE**  
**SITE AT 1 SWANSCOMBE RD, LONDON, W11 4SU**

*any*

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R.B.		06 JAN 2004		PLANNING:		
K.C.						
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			ARB	FPLN	DES	FEEES

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

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

COVERDL1

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Appendices

- 1) Location Map
- 2) Map showing Conservation Area boundary
- 3) Officers Report recommending refusal of planning permission
- 4) Notice of Refusal of planning permission dated 20<sup>th</sup> May 2003
- 5) Appeal decision dated 28<sup>th</sup> May 2003 relating to nearby site at 7 Swanscombe Road.
- 6) Recommended Conditions.

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PA/02/0901.

Jason - I'd be grateful if you could get copies of Appendix 5 to include!

Thanks,  
Derek

done/sen.

V9/03.

File Copy

**THE ROYAL BOROUGH OF KENSINGTON  
& CHELSEA**

**1 SWANSCOMBE ROAD**

**KENSINGTON W11**

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Statement by the Royal Borough Of Kensington and Chelsea, relating to the appeals by under S.78 the Town and Country Planning Act 1990 against this Council's refusal of planning permission for the erection of a mansard roof addition to form an additional storey at second floor level.

**This appeal is to be decided under the Written Representations procedure**

**DoE ref. APP/K5600/A/03/1123495**

**LPA ref. PP/02/2818**

CONTENTS



Statement of Case

1. **Site Description**
2. **Summary of the development to which the applications and appeals relate**
3. **Relevant Planning History**
4. **Planning Policy Background**
5. **The Council's Case**
6. **Comments upon the submitted grounds of appeal**
7. **Conclusions**

**Appendices**



**Appendices**

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- 1) **Location Map**
- 2) **Map showing Conservation Area boundary**
- 3) **Officers Report recommending refusal of planning permission**
- 4) **Notice of Refusal of planning permission dated 20<sup>th</sup> May 2003**
- 5) **Appeal decision dated 28<sup>th</sup> May 2003 relating to nearby site at 7 Swanscombe Road.**
- 6) **Recommended Conditions.**

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## 1.0 SITE DESCRIPTION

- 1.1 This is a 1960s residential property of two storeys and flat roof set slightly back from Swanscombe Road and immediately to the rear of the residential house of no. 33 St. Ann's Villas, effectively being in the original rear garden area to that house. Immediately to the East is the two and a half-storey building known as the 'gatehouse' building, and behind that and to the South West of the application property is the former Organ Factory at 3 Swanscombe Road, now a residential dwelling.
- 1.2 This property is a 'one-off' following planning permission granted for the rear garden of no.33 St. Ann's Villas in 1961; it is a unique building, not part of a terrace or group of similar buildings.
- 1.3 The property is not Listed, but is within the Norland Conservation Area. Adjacent buildings, including 33 St. Ann's Villas, are Listed Grade II.
- 1.4 A location plan is included at **Appendix (1)**, and a map of the Norland Conservation Area with the property indicated in red is included as **Appendix (2)**.

## 2.0 SUMMARY OF THE DEVELOPMENT TO WHICH THE APPEAL RELATES

- 2.2 This appeal is lodged under Section 78 of the Town and Country Planning Act 1990 (as amended) against the refusal of planning permission for Planning permission for the erection of a mansard roof addition to form an additional storey at second floor level. This additional floor would form a self-contained bedsitting unit accessed by an external spiral staircase to be located in the existing front yard.
- 2.3 The relevant plan numbers are:

**Un-numbered drawings received 6th December 2002, entitled 'Existing Elevations', 'G.F. Plan', 'F.F. Plan', 'Proposed G.F. Plan', 'Proposed F.F. Plan', 'Proposed New Second Floor', and 'Proposed Elev's'.**

## 3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted in 1961 for the erection of a two storey dwelling house with built in garage.
- 3.2 A planning application was made in 1988 for an additional storey to the two storey building. This application was subsequently withdrawn.
- 3.3 The present appeal proposal was received on 3<sup>rd</sup> December 2002 and refused on 3<sup>rd</sup> February 2003. The Officers Report is appended at **Appendix (3)**. The Reason for Refusal is:

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**“The proposed additional storey and external spiral staircase would add a degree of bulk to the existing two storey building sufficient to result in harm both to the immediate townscape and levels of amenity enjoyed by the residents of nearby property. As such, the proposal is contrary to Policies of the Unitary Development Plan, in particular CD25, CD28, CD30, CD30a, CD44, CD52 and CD53”.**

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- 3.4 The Notice of Refusal is included as Appendix (4).
- 3.5 Since the refusal of the appeal scheme by this authority, planning permission has been granted on appeal for a part three and part five storey development of the nearby vacant site at no. 7 Swanscombe Road. This proposal would, if implemented, be three storeys beside no.3 Swanscombe Road, rising to five at its western side straddling the borough boundary. The appeal decision is included as Appendix (5).

#### **4.0 PLANNING POLICY BACKGROUND**

- 4.1 The Unitary Development Plan (the UDP) for the Royal Borough, was formally adopted on 28th August 1995, as the Statutory Plan for the Borough for the next ten years. The UDP is the Development Plan for the Borough for the purposes of Section 54A of the Town and Country Planning Act 1990, as amended.
- 4.2 Attention is drawn to Section 54A of the Town and Country Planning Act 1990, as inserted by Section 16 of the Planning and Compensation Act 1991, which stipulates that planning decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise.
- 4.3 The Unitary Development Plan has recently undergone its mid-term review, and the revised Unitary Development was adopted on 25<sup>th</sup> May 2002.
- 4.4 The relevant planning policies are contained within the “Conservation and Development” Chapter, with the exception of H2 in the “Housing” chapter. The relevant policies are set out below in full.
- 4.5 The Unitary Development Plan Policies that were considered, in determination of the appeal application, to be of particular relevance to this proposal were:
- H2, CD25, CD28, CD30, CD30a, CD38, CD39, CD44, CD48, CD52, CD53, and CD61.**
- 4.6 The Revised UDP has introduced revised numberings for these stated Policies. For clarity, the new numbers for each Policy have included in brackets below :

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H2 (H2), CD25 (CD27), CD28 (CD33), CD30 (CD35), CD30a (CD36), CD38 (CD44), CD39 (CD45), CD44 (CD50), CD48 (CD57), CD52 (CD61), CD53 (CD62), and CD61 (CD69).

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4.7 These Policies are:

4.8 H2

**TO SEEK THE DEVELOPMENT OF LAND AND BUILDINGS FOR RESIDENTIAL USE UNLESS:**

- A) A SATISFACTORY RESIDENTIAL ENVIRONMENT CANNOT REASONABLY BE ACHIEVED BY REASON OF EXCESSIVE NOISE, INAPPROPRIATE LOCATION OR GROUND CONTAMINATION; OR
- B) THE LAND IS REQUIRED FOR THE PROVISION OF SOCIAL OR COMMUNITY FACILITIES TO MEET LOCAL NEEDS; OR
- C) THE DEVELOPMENT IS FOR THE REPLACEMENT ON THE SAME SITE OF EXISTING COMMERCIAL FLOORSPACE WHICH HAS NOT GIVEN RISE TO ENVIRONMENTAL OR TRAFFIC PROBLEMS.

4.9 CD27

**TO SEEK THAT ALL DEVELOPMENT IN ANY PART OF THE BOROUGH IS TO A HIGH STANDARD OF DESIGN AND IS SENSITIVE TO AND COMPATIBLE WITH THE SCALE, HEIGHT, BULK, MATERIALS AND CHARACTER OF THE SURROUNDINGS**

4.10 CD33

**TO RESIST DEVELOPMENT WHICH SIGNIFICANTLY REDUCES SUNLIGHT OR DAYLIGHT ENJOYED BY EXISTING ADJOINING BUILDINGS AND AMENITY SPACES.**

4.11 CD35

**TO REQUIRE DEVELOPMENT TO BE DESIGNED TO ENSURE SUFFICIENT VISUAL PRIVACY OF RESIDENTS AND THE WORKING POPULATION.**

4.12 CD36

**TO RESIST DEVELOPMENT WHERE IT WOULD RESULT IN A HARMFUL INCREASE IN THE SENSE OF ENCLOSURE TO NEARBY RESIDENTIAL PROPERTY.**

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4.13 CD44

**TO RESIST ADDITIONAL STOREYS AND ROOF LEVEL ALTERATIONS ON:**

- A) **COMPLETE TERRACES OR GROUPS OF BUILDINGS WHERE THE EXISTING ROOF LINE IS UNIMPAIRED BY EXTENSIONS, EVEN WHEN A PROPOSAL INVOLVES ADDING TO THE WHOLE TERRACE OR GROUP AS A CO-ORDINATED DESIGN;**
- B) **BUILDINGS OR TERRACES THAT ALREADY HAVE AN ADDITIONAL STOREY OR MANSARD;**
- C) **BUILDINGS THAT INCLUDE A ROOF STRUCTURE OR FORM OF HISTORIC OR ARCHITECTURAL INTEREST;**
- D) **BUILDINGS WHICH ARE HIGHER THAN SURROUNDING NEIGHBOURS;**
- E) **BUILDINGS OR TERRACES WHERE THE ROOF LINE OR PARTY WALLS ARE EXPOSED TO LONG VIEWS FROM PUBLIC SPACES, AND WHERE THEY WOULD HAVE AN INTRUSIVE IMPACT ON THAT VIEW OR WOULD IMPEDE THE VIEW OF AN IMPORTANT BUILDING OR OPEN SPACE BEYOND;**
- F) **BUILDINGS WHICH, BY THE NATURE OF THE ROOF CONSTRUCTION AND ARCHITECTURAL STYLE ARE UNSUITABLE FOR ROOF ADDITIONS, E.G. PITCHED ROOFS WITH EAVES;**
- G) **MANSION BLOCKS OF FLATS WHERE AN ADDITIONAL STOREY WOULD ADD SIGNIFICANTLY TO THE BULK OR UNBALANCE THE ARCHITECTURAL COMPOSITION;**
- H) **TERRACES WHICH ARE ALREADY BROKEN ONLY BY ISOLATED ROOF ADDITIONS.**

4.14 CD45

**TO PERMIT ADDITIONAL STOREYS AND ROOF LEVEL ALTERATIONS IN THE FOLLOWING CIRCUMSTANCES:**

- A) **WHERE THE CHARACTER OF A TERRACE OR GROUP OF PROPERTIES HAS BEEN SEVERELY COMPROMISED BY A VARIETY OF ROOF EXTENSIONS AND WHERE INFILLING BETWEEN THEM WOULD HELP TO RE-UNITE THE GROUP; AND**

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B) THE ALTERATIONS ARE ARCHITECTURALLY SYMPATHETIC TO THE AGE AND CHARACTER OF THE BUILDING AND WOULD NOT HARM ITS APPEARANCE.

4.15 CD50

TO PERMIT ALTERATIONS ONLY WHERE THE EXTERNAL APPEARANCE OF BUILDINGS OR THE SURROUNDING AREA WOULD NOT BE HARMED.

4.16 CD57

TO PAY SPECIAL ATTENTION TO THE DESIRABILITY OF PRESERVING OR ENHANCING THE CHARACTER OR APPEARANCE OF EACH CONSERVATION AREA.

4.17 CD61

TO ENSURE THAT ANY DEVELOPMENT IN A CONSERVATION AREA PRESERVES AND ENHANCES THE CHARACTER OR APPEARANCE OF THE AREA.

4.18 CD62

TO ENSURE THAT ALL DEVELOPMENT IN CONSERVATION AREAS IS TO A HIGH STANDARD OF DESIGN AND IS COMPATIBLE WITH:

- a) CHARACTER, SCALE AND PATTERN;
- b) BULK AND HEIGHT;
- c) PROPORTION AND RHYTHM;
- d) ROOFSCAPE;
- e) MATERIALS;
- f) LANDSCAPING AND BOUNDARY TREATMENT;

OF SURROUNDING DEVELOPMENT.

4.19 CD69

TO RESIST DEVELOPMENT WHICH WOULD ADVERSELY AFFECT THE SETTING OF A LISTED BUILDING.

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5.0 **AMPLIFICATION OF THE REASONS WHY THE COUNCIL CONSIDERED A REFUSAL OF PLANNING PERMISSION TO BE JUSTIFIED**

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- 5.1 The council considers main considerations to be the impact of the proposed additional storey upon the character and appearance of the Conservation Area and on the levels of amenity currently enjoyed by neighbouring residential properties.
- 5.2 Being built in the original garden to no.33, which is Listed, this Council considers that there is clearly a sensitivity between the two in both physical townscape terms and amenity terms. With a distance of only 9.9m between the main rear wall of no.33 and the flank of the application property, and 6.15m between the rear extension of no.33 and the flank of the application property, it must be the case that an inappropriate form of development on no.1 could have quite a significant impact upon no.33.
- 5.4 Taking the overall townscape impact before looking specifically at no.33, this property is unusual locally in being just of two storeys. All of its neighbours are taller by at least one storey, and there is therefore a certain simple logic that the addition of a further floor to this building would be compatible with the bulk and scale of surrounding development, in compliance with Policy CD27.
- 5.5 However, the context of no.1 is that it plays an important 'dividing' role between the three storey development at no.3 adjacent and no.33 close by. When this side of Swanscombe Road is viewed from the North, the 'step-down' provided by no.1 is very important in townscape terms, forming a clear break between the Listed St. Ann's Villas properties and no.3 beyond.
- 5.6 The proposed scheme granted on appeal on 28<sup>th</sup> May 2003 for the nearby site at no.7 Swanscombe Road adopts this same principle; the architects for that scheme stepped their five storey proposal down to three adjacent to no.3 on its eastern side, and in turn the further step down to two storeys at no.1 supported that logic. Given that the appeal was allowed, it is considered important that no.1 should remain as a two storey building to preserve that logic. In these respects, it is concluded that Policies CD27, CD61 and CD62 would be compromised by this proposal.
- 5.7 The proposed external spiral staircase would be an unusual feature, which in design terms would relate very poorly to the surrounding buildings and, it is considered, appear to be an incoherent and visually obtrusive feature.
- 5.8 Viewed from the former Organ Factory at 3 Swanscombe Road, a residential property with no street frontage, the additional storey would add a further sense of enclosure to that property and the yard forming part of that site. It is considered that this would be contrary to Policy CD36.

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- 5.9 Turning to no.33 St. Ann's Villas, the building at no.1 already creates an enclosing feel to the West (rear) of that property. It is not considered that the proposed additional storey would harm the *setting* of the Listed building as such, but it is considered that it would add, materially and harmfully, to the sense of enclosure at the rear of the property. This would particularly be the case within the rear facing habitable rooms at ground and first floor levels in no.33, and also from the rear garden space. It is concluded that this effect would be contrary to Policy CD36.
- 5.10 There would be no East facing windows in the proposed additional storey, which is just as well given the proximity of the two buildings which are well below the 18m recommended in the UDP as the minimum for facing windows. However, given the small distances here the spiral staircase and entrance door would to an extent afford overlooking to no.33, by a sufficient degree to justify an objection in terms of Policy CD35.
- 5.11 Daylight guidelines recommend that a new building should not result in an angle of greater than 25 degrees taken from 2m on the flank of an existing building. In this case, the proposed additional storey would result in a 40 degree angle taken from 2m high on the main rear wall of no.33, which is a habitable room (living room). It is concluded that there would in all likelihood be a material decrease in daylight to the rear of no.33, contrary to Policy CD33 of the UDP. This effect would be most marked on the lower ground floor of no.33.
- 5.11 It is acknowledged that Policy H2 and government guidance for London supports the creation of a new residential unit, but it is considered that this benefit is greatly outweighed by the negative effects that would result from the proposed additional storey, as discussed above.

## **6.0 COMMENTS UPON THE APPELLANT'S GROUNDS OF APPEAL**

- 6.1 The appellant has submitted written grounds of appeal in their appeal form, however there is nothing in these comments that would lead this Council to different conclusions from those set out below.

## **7.0 CONCLUSIONS**

- 7.1 It is concluded that the introduction of the proposed roof extension would result in harm both to the immediate townscape and levels of amenity enjoyed by the residents of nearby property.
- 7.2 Therefore, the development does not accord with the relevant UDP policies set out above.



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- 7.3 It is concluded that there are no material considerations that would justify the making of an exception to the aforementioned policies in order to override the conclusions set out above and justify granting planning permission.
- 7.4 Therefore, the Secretary of State is respectfully requested to dismiss this appeal.
- 7.5 In the case that the Inspector decides that planning permission should be granted, the Council would like to recommend a number of Conditions as set out in Appendix 6 to this statement.

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