



FINAL COMMENTS

**Town and Country Planning Act 1990
Section 78**

**WRITTEN REPRESENTATION APPEAL
by
SLT LIMITED**

SITE AT 18 ADDISON AVENUE, LONDON, W11 4QR

PINS REF NO: APP/K5600/A/1105494

RBKC REF NO: PP/02/01628

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Job No: 3700

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1 INTRODUCTION

- 1.1 We received The Royal Borough of Kensington and Chelsea's Statement of Case together with 15 third party letters on 3rd February 2003. We have carefully considered the points raised in that statement and using the Council's paragraph nos. as headings, we submit the following "Final Comments" for this appeal at 18 Addison Avenue.

2 THE COUNCIL'S STATEMENT OF CASE

Paragraphs 1.1 - 1.5

- 2.1 These paragraphs set out the statutory plans and policies considered by the Council in their assessment of this appeal. We note their content.

Paragraphs 2.1 and 2.3

- 2.2 We note the Council's description of the site location and property of 18 Addison Avenue.

Paragraphs 3.1 - 3.3

- 2.3 We note the content of these paragraphs and agree with the description of the proposed scheme, the subject of this appeal. The approved permission as described at para 3.2 is currently being implemented.

Paragraph 4.1

- 2.4 We note and agree with the description of Queensdale Walk.

Paragraph 4.2

- 2.5 We note the description of Queensdale Walk.

Paragraph 4.3

- 2.6 The Council make two statements in this paragraph; we address each in turn. Firstly, its stated that the introduction of timber garage doors would alter the western side of Queensdale Walk. We agree that the proposed development will 'alter' the external appearance of the rear boundary wall at 18 Addison Avenue, but would **not detrimentally** alter its character or appearance. We reiterate our comments at **paragraphs 5.6-5.8** inc. of our Grounds of Appeal Statement.

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- 2.7 Secondly, the Council are concerned that the proposal would result in extra vehicular activity. The proposed scheme creates only 2 off-street parking spaces, which would not create a significant increase in vehicular activity, if any. Rather it may take two cars off the road. In either event it does not warrant a refusal of the scheme.

Paragraph 4.4

- 2.8 This paragraph highlights the importance of the UDP policies in regard to Conservation Areas and seeks to maintain and enhance their character and appearance. As expressed in our Grounds of Appeal Statement, we consider the effect of the proposal on the character and appearance of the Norland Conservation Area to be the principal issue at this appeal.
- 2.9 The rear boundary brick wall of nos. 18-28 Addison Avenue has already been breached by timber doors for both pedestrian and vehicular access [as shown in Appendices 1 and 2 in our Grounds of Appeal Statement]. Therefore, the proposed scheme is not setting a precedent for rear access to these properties, as this has already occurred.
- 2.10 In addition the design of the proposed garage openings comprises a pair of timber doors, which would be in keeping with the existing timber doors at the neighbouring property of 20 Addison Avenue. By inserting a pair of doors, separated by a brick pier, instead of one large door, to serve the double garage, the rhythm of the street scene is retained and the vernacular of Queensdale Walk retained.
- 2.11 We note that as CD 48 is a 'desirability' form of policy, it is not therefore appropriate as a reason for refusal, being an "Encouraging" policy as defined in paragraph 1.2.4 (c) on page 3 of the UDP (copy attached).

Paragraph 4.5

- 2.12 The scheme at this appeal would not alter the quiet and peaceful character of the mews. Queensdale Walk is not subject to through traffic and is very safe in highway terms, the implementation of the proposed garages will **not** have a significant increase in traffic movements and will have little impact on the remainder of the street, thus ensuring the character is retained.
- 2.13 The Council considers the development of a proposed garage would be alien and disruptive to the existing balance of Queensdale Walk. However, the principal of locating garages in Queensdale Walk and indeed at this end of street location has already been established by 5 Taverner's Close and 11 Queensdale Walk, which have garage openings fronting onto Queensdale Walk.

Paragraph 4.6

- 2.14 The Council believe the level of activity that would generated by the proposed scheme would be harmful and thus represent a negative effect on the character of the mews and the Norland Conservation Area, to the extent to warrant refusal. As discussed above, no **additional** activity would necessarily occur.
- 2.15 We **do not agree** that the insertion of 2 off-street parking spaces, in a location which already has established the principle of garage parking, would cause such a detrimental impact upon the character of the conservation area in regard to vehicular traffic movements to warrant the dismissal of this appeal. The case officer also came to this conclusion as the Committee report recommended the application for approval.

Paragraph 5.1

- 2.16 As indicated in our Grounds of Appeal Statement, the Council's principal reason for refusal is considered to be the harm to the character of Queensdale Walk and the Norland Conservation Area. We have addressed these issues at Section 5 of our statement.

3 THIRD PARTY COMMENTS

- 3.1 There have been a number of third party objections to the proposed development both at application and appeal stage from various residents of Queensdale Walk. Those points raised at the application stage have been addressed in our Grounds of Appeal Statement.
- 3.2 This section will not re-iterate our previous comments on the third party objections but will confront the issues raised which are new to this appeal. Our comments to third party objections are found at Section 6 of our Grounds of Appeal Statement.
- 3.3 The principal concern from the majority of third party objectors is the alleged harm to the Norland Conservation Area by the proposed development. We have addressed the impact of the proposed scheme upon the character and appearance of the Conservation Area in Section 5 of our Grounds of Appeal Statement and thus do not re-iterate our comments in regard to the policies.
- 3.4 Concern has been raised regarding the traffic implications of such a scheme, particularly in relation to parking provision and the impact of vehicle manoeuvres upon the amenities of neighbouring properties and an insufficient turning circle. These concerns were addressed by the case officer's report para 5.5 (forming part of the appeal documents). We concur with that assessment

Traffic Impact

- 3.5 The site at this appeal is located in a unique position to be able to provide off-street, covered and secure parking for the property's residents, whilst not forfeiting the numbers of residents parking bays. The incorporation of 2 off-street parking spaces would benefit the parking provision in the locality, easing thereby pressure for off-street parking. Paragraphs 4.15 and 4.16 of the Planning Services Committee Report states that the proposal would not result in a net loss of residents parking bays nor set a precedent as such.
- 3.6 It was considered at paragraphs 4.11 - 4.14 of the officer report that 2 additional cars entering Queensdale Walk and parking in designated off-street spaces would not be of detriment to the residential amenity of the neighbouring properties.
- 3.7 Paragraph 5.4 considers the issue of noise resulting from the proposed garage, and is not considered to be such that would result in a disturbance to the neighbours and to warrant a refusal of planning permission.

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- 3.8 At present on-street parking is permitted out of hours and at weekends along the single yellow lines, situated immediately outside the residential properties of 1-11(inc) Queensdale Walk and 5 Taverner's Close. Therefore, there is already a potential impact upon these properties of the effect of on-street parking and in particular to 5 Taverner's Close. The proposed development would thus be an improvement to provide off-street parking on the current situation.
- 3.9 Paragraph 5.5 of the Planning Services Committee Report, states that the Director of Transport and Highways, who was consulted on the application, did not consider there would be a problem with the proposed turning circle, indeed it would be an improvement upon the existing situation for the residents parking bays. We concur with that opinion.
- 3.10 The remaining new issues as considered by the third party are: the impact of the existing garages and the proposed boundary wall height.

Existing Garages

- 3.11 With regard to the two existing garages at 5 Taverner's Close and 11 Queensdale Walk, the proposed garaging at the appeal site would not interfere with their use for off-street parking, in accordance with their lawful use. We note that were 11 Queensdale Walk to use their garage for its original design purpose, then an additional residents' parking bay would become available for those local residents who do not have the benefit of such facilities.
- 3.12 With regard to 5 Taverner's Close, we note that permission to convert the garage to residential use was refused on 8th January 1970 (Ref: TP/7333/2). The Reason for Refusal was for the loss of off-street parking accommodation. This reason has been consistently imposed as a policy throughout the Royal Borough, in recognition of the important planning benefit that accrues from removing parked cars from the streetscene whenever possible.

Proposed Boundary Wall Height

- 3.13 Concern has been raised regarding the height of the proposed rear boundary wall of 18 Addison Avenue, as out of character with the existing boundary walls of 20-28 Addison Avenue and 13 Queensdale Road.
- 3.14 As shown on plan no. 3230/24 and the photographs at **Appendix 1 of our Grounds of Appeal Statement**, which form part of the appeal document, the rear garden wall of this part of Addison Avenue has a variety of heights. In particular, that part to the rear of properties 20 and 22 has a height of approximately 3m, which is comparable to the height of the proposed development.
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4 SUGGESTED CONDITIONS

- 4.1 Should the Planning Inspectorate be minded to allow this appeal, the Council have set out their suggested conditions.
- 4.2 We note that Conditions 2 and 3 appear to be duplicate and would request that one of these conditions is removed.
- 4.3 In relation to the remaining conditions 1, 4 and 5 are satisfactory to our client.

5 CONCLUSIONS

- 5.1 For the reasons set out above, together with the documents submitted as part of the planning application and as part of the Grounds of Appeal, we respectfully urge the Inspector to **allow** this appeal.

25th May 2002

Proposed Modifications

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WILSON, J. R., and CHEEPPA, S. 1990.

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considered the Inspector's recommendations before issuing modifications to the Plan for further public consultation.

- 1.1.4 The UDP is for the guidance of all those with an interest in the use and development of land or buildings in the Borough including those who intend to undertake development, residents, amenity societies and other interested groups. Development includes the carrying out of building, engineering or other operations in, on, over or under land or the making of any material change in the use of any buildings or other land. The Plan will also be of use to those who want to know what development is likely in the Borough over the next ten years.
- 1.1.5 The Plan will be used by Officers and Members of the Council in the assessment of planning applications and will be a primary consideration in their decisions. The Plan (and its Proposals Map) indicates the likely form of development that the Council would normally find acceptable in the Borough.

1.2 HOW THE PLAN IS SET OUT

- 1.2.1 The UDP comprises a Written Statement and a Proposals Map. The Written Statement is in two parts. Part I contains a Context Chapter and the general 'strategic' policies for the Borough and sets out four principal strategic policies and further strategic policies grouped into subject areas to guide development. The strategic policies are drafted with regard to the strategic land use requirements of the rest of London and take into account national, regional and London-wide policies. All policies take into account Strategic Guidance for London Planning Authorities (RPG3).
- 1.2.2 Part II of the Plan is made up of the topic based chapters and contains the 'detailed', local land use policies. Each topic chapter is preceded by the reasoned justifications for the relevant Part I policies. Part II also contains the Planning Standards Chapter, the Monitoring and Implementation Chapter, the Schedule of Major Sites with Development Opportunity and the Glossary.
- 1.2.3 Each topic chapter contains a number of objectives which the Council wishes to see achieved through the policies of the Plan. These are set out at the start of the chapter. The Offices and Industry and Shopping Chapters contain a statement of Council strategy. The policies themselves, set in bold capital letters, are indented and can be identified by the initial letters of the chapter and the policy number (e.g. Conservation and Development policy four is CD4).
- 1.2.4 In order to express properly the Council's intention for the development of the Borough through the UDP, the Part II, local level policies of necessity fall into three groups of policy terminology, all of which provide guidance for those with an interest in the development of land.

(a) 'Prescriptive' policies

These clearly indicate what will or will not be granted planning permission within a particular situation, and are in many instances qualified by criteria or conditions. These

policies fall into two groups, those which are phrased restrictively and those which are phrased positively e.g. "TO RESIST" or "TO ALLOW".

(b) 'Negotiation' policies

These policies allow the Council to negotiate for the provision of needed development e.g. affordable housing, and planning obligations. They can ~~will~~ be used as a reason for refusal in appropriate circumstances where related ~~appropriate~~ development or any other necessary provision is not forthcoming (see Monitoring and Implementation Chapter).

(c) 'Encouraging' policies

These set out that which the Council would like to see resulting from development in the Borough. Such policies do not of themselves provide reasons for refusal, however, if a proposal is in accordance with such a policy, this factor may be taken into account when considering the application. An example of such a policy is "TO SEEK".

(d) 'Informative' policies

These policies either commit the Council to action or inform of a position that the Council will take in specific circumstances.

- 1.2.5 The policy terms set out above should not be considered in isolation from the context of the policy. In addition, no policy should be considered in isolation from the objectives or other policies of the relevant chapter, or other policies of the UDP and its Overall Aim. It is vital to consider the wording of the policy as a whole, rather than to isolate key words.
- 1.2.6 The Proposals Map shows the boundaries of areas covered by policies in the Plan, such as conservation areas, areas of Metropolitan Open Land and rail safeguarding lines. The Proposals Map also identifies major ~~sites of development~~ sites opportunity in the Borough.