

**PLANNING SERVICES APPLICATION
CONSULTATION SHEET**

*Deal with
22/11/98
DS*

APPLICANT:

Colwyn Foulkes & Partners,
229 Kensington High Street,
London W8 5SA

3264

PP/98/0278

Application No: DPS/DCC/TP/98/2078 / *ACS/243*

Application dated 28/10/98

SITE: 64-64A KENSINGTON CHURCH STREET,
W.8

NATURE OF PROPOSAL:

*Extension to front of shop
(as per 1968 situation);
Demolition of existing
extension to rear of premises;
Formation of new mezzanine
level at rear of premises.
(Application Two amending
front and rear extensions)*

Application complete	05/11/98
Fee Received	
Date to be decided by	31/12/98
Date Acknowledged	05/11/98

	Address to be consulted	Letter sent	Reply received	Observations		Decision letter sent
				For	Against	
1	<i>5 Melton Place</i>					
2						
3	<i>58-62 (even) Kens. Church St. W.8</i>	<i>58; 60; 62; 62a</i>				
4		<i>58/60 UFO; UFF-62A</i>				
5						
6	<i>15, 16 Vicarage Gardens W.8</i>					
7						
8	<i>B&MT FUAT; GEO/IST FM; 2nd FF</i>					
9						
10						

*11
13/11*

CHECK Section 65 certificate/Environmental Impact Statement

CONSULT STATUTORILY (GDO)

- 1. **HBMC**
 - (a) Circ. 8/87 (Para. 82) Listed Buildings
 - (b) Circ. 8/87 (Para. 28) Setting of Grade I or II
 - (c) Demolition in Conservation Area
- 2. Demolition Bodies - Circ. 8/87 (para 81)
- 3. Department of Transport
 - (a) Trunk Road - increased traffic
 - (b) Westway etc.
- 4. Neighbouring Local Authority
- 5. Strategic View Authorities
- 6. Department of Environment (Kensington Palace)
- 7. Civil Aviation Authority (over 300')
- 8. Development affecting Theatres (Theatre Trust)
- 9. National Rivers Authority
- 10. Thames Water
- 11. Crossrail Project Team
- 12. LRT - Chelsea/Hackney Line

ADVERTISE

- Effect on CA*
- Setting of Listed Building*
- Works to Listed Building*
- Demolition in CA*
- Departure from DPt
- *Major* Developmentt
- Environmental Assessmentt
- Note:** *Site Notice is required
- †Site Notice or Neighbour Notification required (GDO)
- A Site Notice will normally be produced if advert requested
- If no Site Notice required

OTHER SITE NOTICES

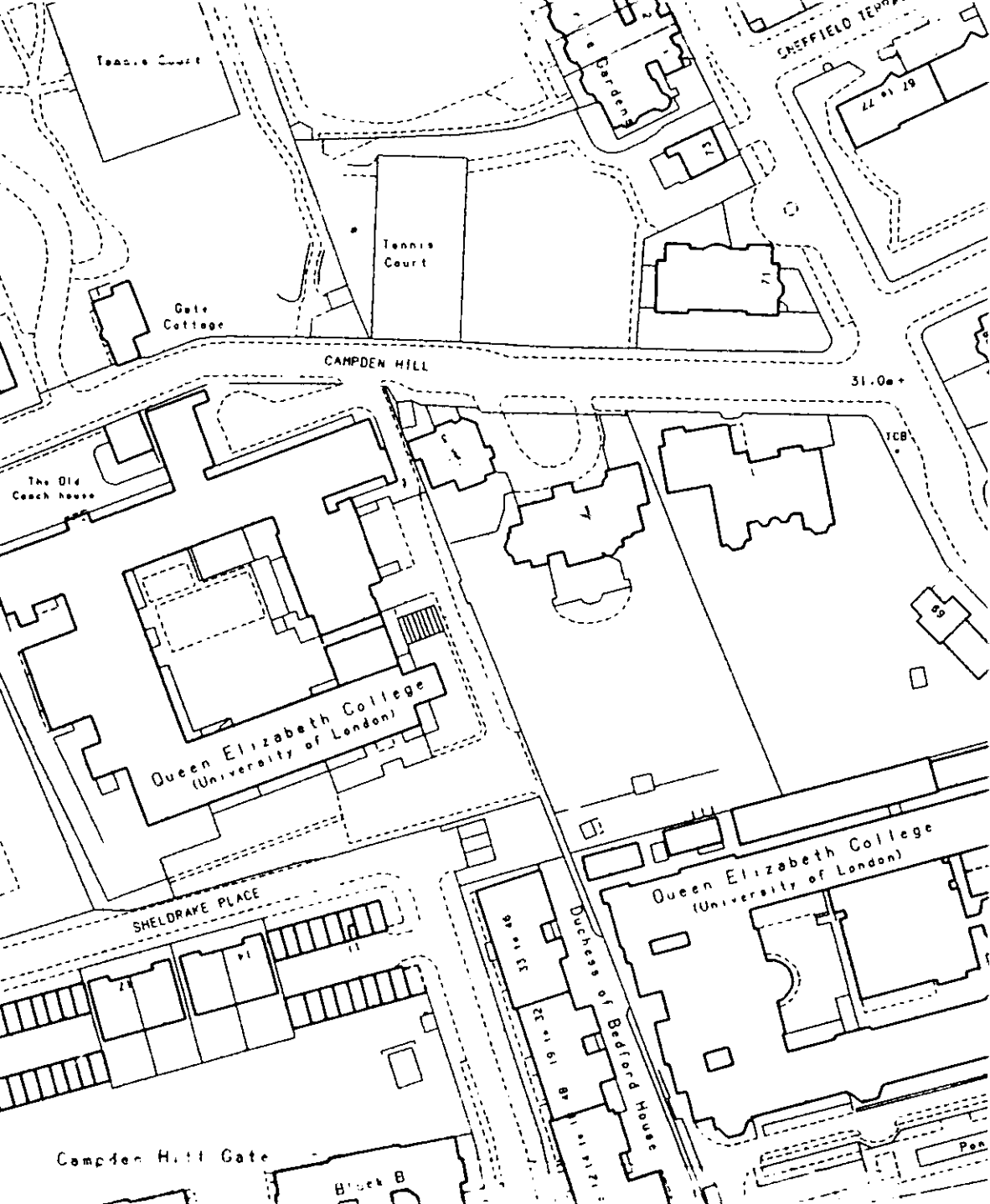
If Site Notice required for case not in above categories

OTHER CONSULTATION

- 1. Police
- 2. L.P.A.C.
- 3. British Waterways Board
- 4. Environmental Health

13/11





Tennis Court

Tennis Court

Gate Cottage

CAMPDEN HILL

31.0m+

The Old Coach house

Queen Elizabeth College
(University of London)

SHELDRAKE PLACE

Queen Elizabeth College
(University of London)

Duchess of Bedford House

Campden Hill Gate

Block B

Pen

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director MJ FRENCH FRICS Dip TP MRTPI Cert TS

Mr. A. Harrington,
64A Kensington Church Street,
LONDON W8 4DB.

Switchboard: 020 7937 5464
Extension: 2944
Direct Line: 020 7361-2944
Facsimile: 020 7361 3463
Web: www.rbkc.gov.uk

23 October 2002

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Harrington,

64a Kensington Church Street, W.8.

Further to our meeting on 15 October, I thought it would be helpful if I sent you a copy of the agreed minutes of that meeting; these do set out the action points to be taken.

If you have any queries, please let me know.

Yours sincerely,

M. J. French,
Executive Director, Planning and Conservation.

French, Michael: PC-GrpSvc

From: Titcombe, Heidi: CP-Legal
Sent: 22 October 2002 14:39
To: French, Michael: PC-GrpSvc
Subject: RE: Minutes of Meeting: 64A Kensington Church Street

No objection. I think it would be a good idea if they are sent to him.

Heidi

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

From: French, Michael: PC-GrpSvc
Sent: 22 October 2002 10:45
To: Titcombe, Heidi: CP-Legal
Subject: Minutes of Meeting: 64A Kensington Church Street

Heidi: Do you have any objections to the agreed notes of the meeting being sent to Mr. Harrington?

M. J. French,
Executive Director, Planning and Conservation.
020 7361 2944

NOTE OF SITE MEETING
15TH OCTOBER 2002

RE: 64A KENSINGTON CHURCH STREET,
KENSINGTON, LONDON W8 4DB
("THE PREMISES")

Meeting at the premises at 2pm.

In Attendance: **Mike French**
 Executive Director, Planning and Conservation

Heidi Titcombe
 Senior Solicitor Planning and Corporate Law

Paul Kelsey
 Principal Planning Officer

David McDonald
 Principal Planning Officer

David Walker
 Principal Solicitor, Property and Contracts

Richard Case
 Principal Transport Planner

Mr A Harrington's Agent

Mr Harrington

1. The purpose of the meeting was for Mr Harrington and the relevant officers of different Council departments involved in this case to assess how Mr Harrington wishes to develop the property, bearing in mind that different applications have been made over the years and secondly, to consider the possibility of disposing of a part of the forecourt which does not compromise Mr Martin's crossover.

2. The site visit revealed that Mr Harrington's neighbour (Mr Martin) has a double set of garage doors in the wall parallel to Melon Place. He also has another access gate in the same wall which lies nearer to Mr Harrington's shop front. Thirdly, there is a box adjacent to the wall which has been installed by one of the statutory undertakers. Mr Harrington advises that the door leading to Mr Martin's property was constructed about two years ago.

3. There is a cross over extending from the dropped kerb into Melon Place which leads from Mr Martin's garage gate into Melon Place.

4. The area in front of the premises is highway land which is subject to the general public rights of access.

5. Paul Kelsey indicated that Mr Martin was probably able to construct the door from a Planning point of view under permitted development rights in that it does not exceed the former height of the wall (Class A Part 2 of Schedule 2 of the General Permitted Development Order 1995).
6. Mr Harrington advised that he may be prepared to alter his development proposals so that the development did not affect the equipment of the statutory undertaker. This would mean the development would be reduced behind the equipment.
7. There is an issue as to whether Mr Martin has additional rights of access to use the door which has been constructed in the wall. If so, this would hinder development on the land and it is likely that Mr Martin would object to any application to stop up part of the highway which is required by Mr Harrington in order to achieve his development proposals.
8. There is also an issue as to who owns the boundary wall which encloses Mr Martin's property. This will need to be investigated.
9. It was agreed that the following steps will be taken;-
 - (a) David Walker will try to ascertain who owns the wall enclosing Mr Martin's property (16 Vicarage Gardens).
 - (b) David Walker will liase with the Valuers Department to ascertain what area of land they would in principle be willing to sell to Mr Harrington assuming suitable terms can be agreed and approval received from the Council.
 - (c) Richard Case will send Mr Harrington the necessary forms in order that he can make an application to stop up part of the highway, based on an approved planning permission.
 - (d) Mr Harrington will make an application to stop up the highway required and needs to confirm the drawing number showing the development he requires, either that allowed on appeal or that granted planning permission on the smaller site.

Time Engaged: 50 Minutes

**Heidi Titcombe
16.10.02**

Circulation: As above

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr. Richard T. Williams,
Colwyn Foulkes & Partners,
229 Kensington High Street,
LONDON, W8 6SA.

Switchboard: 020 7937 5464
Extension: 2944
Direct Line: 020 7361-2944
Facsimile: 020 7361 3463
Web: www.rbkc.gov.uk

23 October 2002

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: EDPC/MJF

Your reference:

Please ask for: Mr. French

Dear Mr. Williams,

64a Kensington Church Street, W.8.

Thank you for your letter of 18 October regarding the site visit which took place on 15 October. I have already sent Mr. Harrington a copy of the minutes and, for the record, I have enclosed a copy of them for your information.

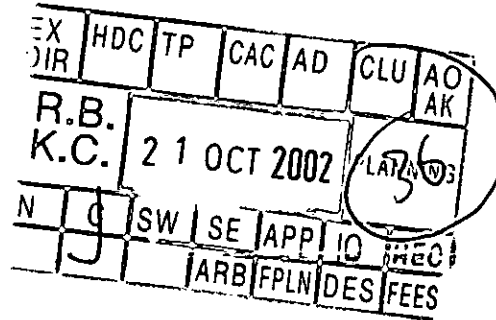
Yours sincerely,

M. J. French,
Executive Director, Planning and Conservation.

Our Ref: L243.C1.RW.161002.4847

18 October 2002

Mr Michael French
 Director of Planning
 The Town Hall
 Hornton Street
 LONDON
 W8 7NX



Colwyn Foulkes and Partners
 229 Kensington High Street
 London W8 6SA

Tel 020 7938 2464
 Fax 020 7938 2847

london@colwynfoulkes.co.uk
www.colwynfoulkes.co.uk

Dear Mr French

Re: 64a Kensington Church Street

Further to our recent meeting on site my client Adrian Harrington asked that we write to confirm the salient points from the meeting.

It is Mr Harrington's wish to build out the successful Planning Appeal Scheme but various issues need resolving. I believe the following chronological actions were agreed;

1. Although at the meeting it was considered the owner of no.16 Vicarage Gardens has permitted development rights to insert gates along the boundary we believed that an Article 4 direction applies to this address which would remove this right. Mr Walker is also to ascertain the ownership of this wall as it is believed that it belongs to the Local Authority or is at least a Party Wall.

If this is the case we understand that you would seek to have the door removed and wall reinstated.

Since speaking with our Project Architect it would appear that our Party Wall Surveyor advised that the wall is a Party Fence Wall, ref. enclosed Letter.L243/C1/MM/MM/20623 dated 12 January 1999 as sent to Ms Salmon in the Planning Department.
2. Mr Walker would also liaise with your valuers development with a view to formally agreeing the extent of land sale and value.
3. Subject to positive feedback Mr Harrington will need to apply for a 'Stopping up Order'. Richard Case will forward the relevant forms.
4. Subject to an acceptable way forward on the sale we would need to agree the layout of any revised crossovers, bollard protection, pavement surface material delimitation with your Highways Department and to which we believe we would have your in principal support.
5. Subject to a favourable position on the above Mr Harrington would seek to negotiate a resiting of the Thames water meter.

Partners
 A N Colwyn Foulkes *BSc BArch RIBA FRSA*
 H R T Williams *BSc BArch RIBA*

 P Hawthorne *BA DipArch RIBA*
 P Davies *DipArch RIBA*
 G Jennings *MBIAT ACIOB*

Consultants
 E M Foulkes *DLMBE BArch RIBA FRSA*
 J W Knox *DipArch RIBA*
 S Belton *DipArch RIBA*

On behalf of Mr Harrington we would like to thank you again for visiting site with your colleagues and yours and their input in seeking to resolve this matter.

For record purposes and possibly your own internal circulation I have recorded the attendees of the meeting.

Michael French – Executive Director, Planning

David McDonald – Principal Planning Officer

Paul Kelsey – Area Planning Officer

David Walker – Principal Solicitor, Property & Contracts

Heidi Titcombe – Senior Solicitor Planning and Corporate

Richard Case – Principal Transportation Planner

Adrian Harrington – 64a Kensington Church Street

Richard Williams – Colwyn Foulkes & Partners

Yours sincerely



Richard T Williams

COLWYN FOULKES & PARTNERS

Cc: Adrian Harrington

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Yours sincerely,

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Executive Director, Planning and Conservation.

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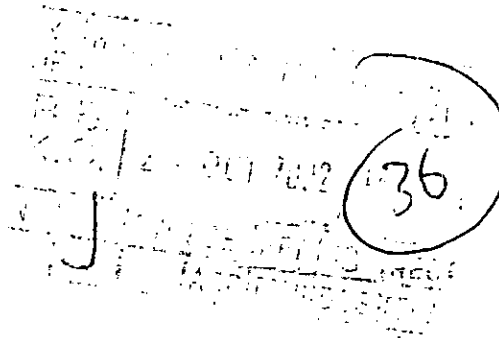
18 October 2002

Mr Michael French
Director of Planning
The Town Hall
Hornton Street
LONDON
W8 7NX

Colwyn Foulkes and Partners
229 Kensington High Street
London W8 6SA

Tel 020 7938 2464
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Partners

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Richard Case – Principal Transportation Planner

Adrian Harrington – 64a Kensington Church Street

Richard Williams – Colwyn Foulkes & Partners

Yours sincerely



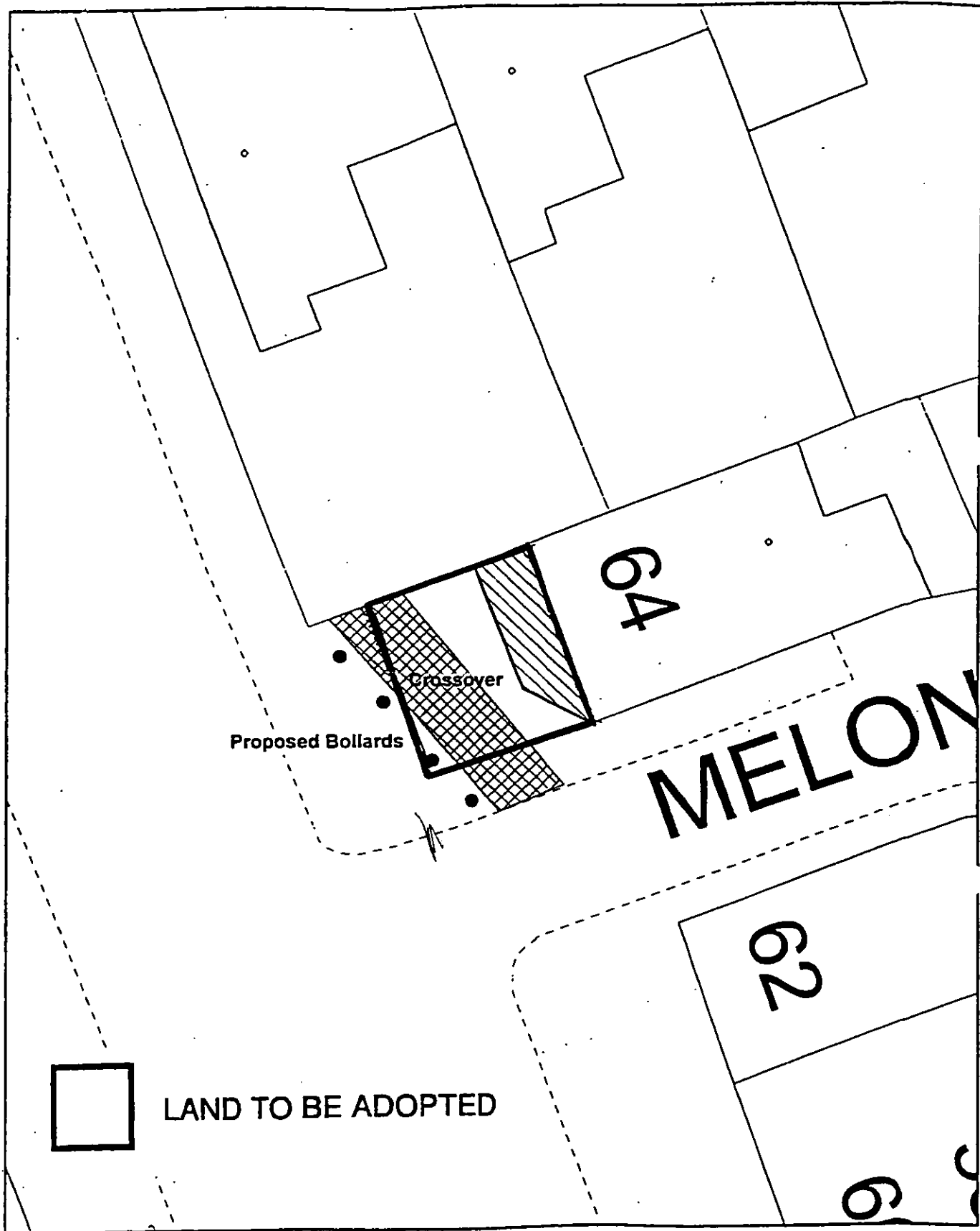
Richard T Williams

COLWYN FOULKES & PARTNERS

Cc: Adrian Harrington

The Royal Borough of Kensington and Chelsea

Borough Valuers Department

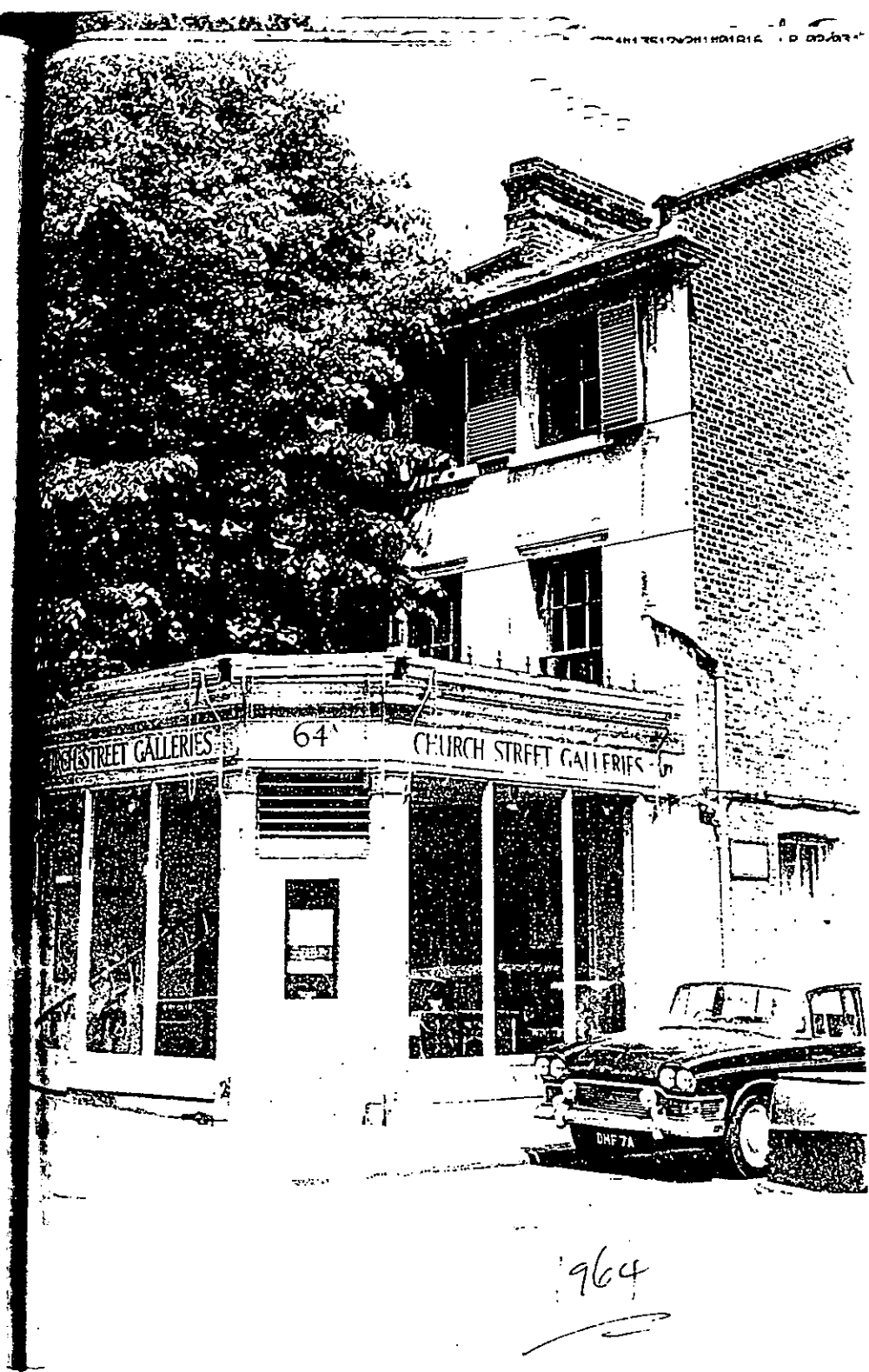


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Address: 64/64a Kensington Church Street





All in all, a site meeting involving, planning, highways, valuations, legal and any other interested parties from the council would help me to arrive at a termination of a long attempt to improve my property, Kensington Church St and my business in it.

I would be very grateful, therefore if such a meeting could be arranged. A suggested agenda would cover:

The Nature of the crossover and the issues it raises.

Possible arrangements of the existing planning consents that don't compromise pedestrian safety.

Ways to improve the appearance of the paved area.

I look forward to your early reply

Yours Faithfully,

Adrian Harrington

A handwritten signature in black ink, appearing to read 'Adrian Harrington', with a horizontal line underneath.



MEMORANDUM

To: Director of Legal Services

c.c.:

From: EDP

Date: 26 November 2001

**Re: Ombudsman Complaint: Mr. A. Harrington
re. 64/64A Kensington Church Street, W.8.**

Further to your memorandum of 6 November, it would appear that Mr. Harrington's complaints relate solely to actions taken by officers in the Transportation and Highways Department. As I can see, no planning involvement in this complaint, I have no comments to make further to my memorandum to you of 25 September 2001.

M. J. French,
Executive Director, Planning and Conservation.

**ADRIAN HARRINGTON
ANTIQUARIAN BOOKSELLER**

64A, Kensington Church Street, Kensington, London W8 4DB
tel 020 7937 1465 · fax 020 7368 0912
e-mail: rare@harringtonbooks.co.uk
www.harringtonbooks.co.uk



Mr M. J. French
Planning and Conservation
The Town Hall
Hornton St
London W8

1st October 2002

Ref: The fore court of 64A Kensington Church St.

Dera Mr French,

By now you should have received the Ombudsman's ruling on the above site. He persuaded me to step back from pursuing the matter on the basis that he would encourage both sides to meet on site to discuss the various options. To this end he suggested I should write to you giving my ideas.

Without going into the whole sorry history of this site, there is one stumbling block I continuously met with. Whenever I came up with a compromise proposal I was told to make a full planning application and it would be considered. As there were several possibilities and some of the council's departments hadn't made their objections known, this was not the best way forward.

My neighbour's crossover rights were granted retro actively and the drawing that the council used in assessing the pedestrian impact does not reflect the true situation on the ground. I enclose a copy for your convenience, together with a drawing that is a better representation of the arrangement. A site meeting would make this clear. You have said that the council has no objection to my purchasing enough fore court to build out to 5 feet. When I asked Ms Salmon, who was in charge of the case at the time, if 6,7, 8 or 9 feet were possible she told me to make separate applications. When I asked if I could purchase a few feet in front of whatever we agreed, including the non controversial 5 feet, she told me to make separate applications. My idea was to pave whichever area was agreed in, say, York stone in order to separate pedestrians looking into my shop window from my neighbour driving his car across the pavement. There may be better ideas, A site meeting would throw them up. When I suggested to Ms Salmon that a planted tub on such a forecourt might help to protect and delineate the areas of conflict of interest she suggested we put in a planning application for that as well. A site meeting would help to sort out ideas there as well.

AR	ADDC	TP	CAC	AD	CLU	AO
R.B.						
K.C.	6	SEP 2002			PLANNING	31
N	C	SW	SE	APR	IO	REC
			ARB	FPLN	DES	FEE

MEMORANDUM

RG

TO: Executive Director, Planning and Conservation
Director of Highways and Traffic

FROM: Richard Hemmings - Director of Legal

DATE: 6th November 2001

MY REF: dls/ag/om2

EX DIR	HDC	TP	CAG	AD	CLU	AO AK
RB	D 8 NOV 2001			PLANNING		
KJC						
N	C	SW	SE	APP	IO	REC
			ARB	FPLN	DES	FEES

Ombudsman Complaint – Mr A Harrington

83

I enclose a copy of a letter from the Ombudsman dated 5th November attaching two recent letters from Mr Harrington.

Please let me know if you have any comments on Mr Harrington's letters.

Thank you.

Alice Cozlett

Mike

I do not think there is anything to add. The planning position has been determined by appeal whatever the planning rules might have said.

28/11/01.

Richard Hemmings
Director of Legal Services

enc

*Mike,
HST are aware of this. I have had no direct contact with this case. ^{central} ~~the~~ team were involved with a planning application on the site*

Benny 22/11

5 November 2001



The Commission for
Local Administration in England

Mr D Myers
Town Clerk & Chief Executive
Royal Borough of Kensington & Chelsea
DX 84015
KENSINGTON HIGH STREET

P A Thomas
J R White
Local Government Ombudsmen

P J MacMahon
Deputy Ombudsman

Your ref:

Our ref: 01/A/02745/MT/SM

If telephoning contact: Mike Thayre on 020 7915 3222

Dear Mr Myers

Complaint by Mr A Harrington

Thank you for your last letter received in my office on 1 October 2001.


I enclose, for your information, copies of the two recent letters which I have received from the complainant together with a copy of my reply. You will note that Mr Harrington has been asked to let me know whether he has any comments to make on the Council's last set of comments.

You will, doubtless, inform me should you have anything to say on Mr Harrington's last two letters to me.

We are currently examining all the documents submitted by the Council and the complainant. I will write to you again once we have completed our examination and in the light of any further comments submitted by Mr Harrington.

Thank you for your help to date in dealing with this complaint.

Yours sincerely


Mike Thayre
Investigator

5 November 2001

Mr A Harrington
64A Kensington Church Street
LONDON
W8 4DB

Your ref:
Our ref: 01/A/02745/MT/SM

If telephoning contact: Mike Thayre on 020 7915 3222

Dear Mr Harrington

Complaint against the Royal Borough of Kensington and Chelsea

Thank you for your recent letters dated 12 and 24 October 2001.

Having just returned to my office following a period of sick leave, I see that the Council did, in fact, submit further comments on your complaint at the beginning of October 2001. A copy of those comments is attached. If you have any further comments in the light of the Council's second response, please let me know as soon as convenient.

Meanwhile, we will commence our examination of all the documents and information which you and the Council have submitted to date. We will not reach any conclusions pending your further comments or confirmation from you that you have nothing further to add.

I am sending a copy of your latest letters to the Council's Chief Executive for information, particularly in view of the comments made in the final paragraph of your last letter dated 24 October 2001.

Yours sincerely

Mike Thayre
Investigator

01/A/02745 HT

ADRIAN HARRINGTON LTD

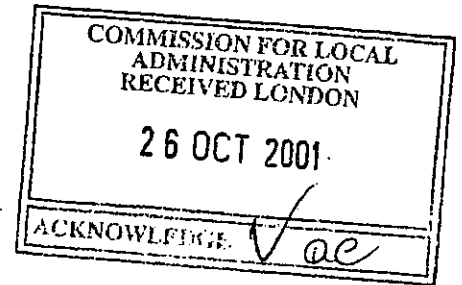
Antiquarian Books, Prints & Maps



64A, Kensington Church Street, Kensington, London W8 4DB
tel 020 7937 1465 · fax 020 7368 0912 · e-mail: rare@harringtonbooks.co.uk
website: www.harringtonbooks.co.uk

24th October 2001

Mr M Thayre
Investigator
The Commission for Local Administration in England
21 Queen Anne's Gate
London SW1H 9BU



Dear Mr Thayre

REF: In addition to my letter dated 12th October 2001

In my communications with the council problems with the Highways Department regarding the crossover have been hinted at and internal memos referred to. However I really do need to know what the Highways Department's objections are. The appended drawings together with the explanation below should clarify my reasons for this.

Drawing 1 forms part of the information on which the Borough Valuer's Department are basing their decisions. In drawing 2, I have put a small car in. My understanding of the crossover consent is that my neighbour must always reverse out into Melon Place. If you are a car driver you will see that the crossover as hatched on the drawing does not work as he must drive straight out of the gates before he can turn. This would actually remove at least three of the proposed bollards. A site meeting would address problems like this.

In drawing 3 I have blown up the previous drawing to roughly the same scale as my architects drawings 4 and 5. It is only approximate as the other problem with the Council's drawing (1) is that it is not to scale – in fact it is best described as a rough sketch.

My architect's drawings 4 and 5 show an actual turning circle for a car reversing into Melon Place. This was drawn up using standard methods. As you can see it makes far more sense, if you are a driver, to use our turning circle and proves that drawings 1, 2 and 3 are a fiction. Looking at drawing 4 with the larger extension with planning consent, you can see that there is no conflict with the turning circle and my shop. Looking at drawing 5, which shows the area the Council are prepared to sell me one can see at the very least room for compromise somewhere between the two.

As the Chief Executive's argument hinges around the Highways Department's objections I really would like them to meet me on site to discuss the matter and I cannot understand why they continue to refuse.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Adrian Harrington', with a horizontal line underneath the name.

Adrian Harrington

- ① Check availability of water
- ② Check P.P. for car gate
- ③ Contact for arrangement
- ④ New bed. gate - 2 yrs

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mr Adrian Harrington
64a Kensington Church Street
Kensington
London W8 4DB

Switchboard: 020 7937 5464
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Web: www.rbkc.gov.uk

20 September 2002

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: EDPC/MJF

Your reference:

Please ask for:

Dear Mr Harrington

Forecourt of 64a Kensington Church Street

Thank you for your recent letter regarding the forecourt at the above property.

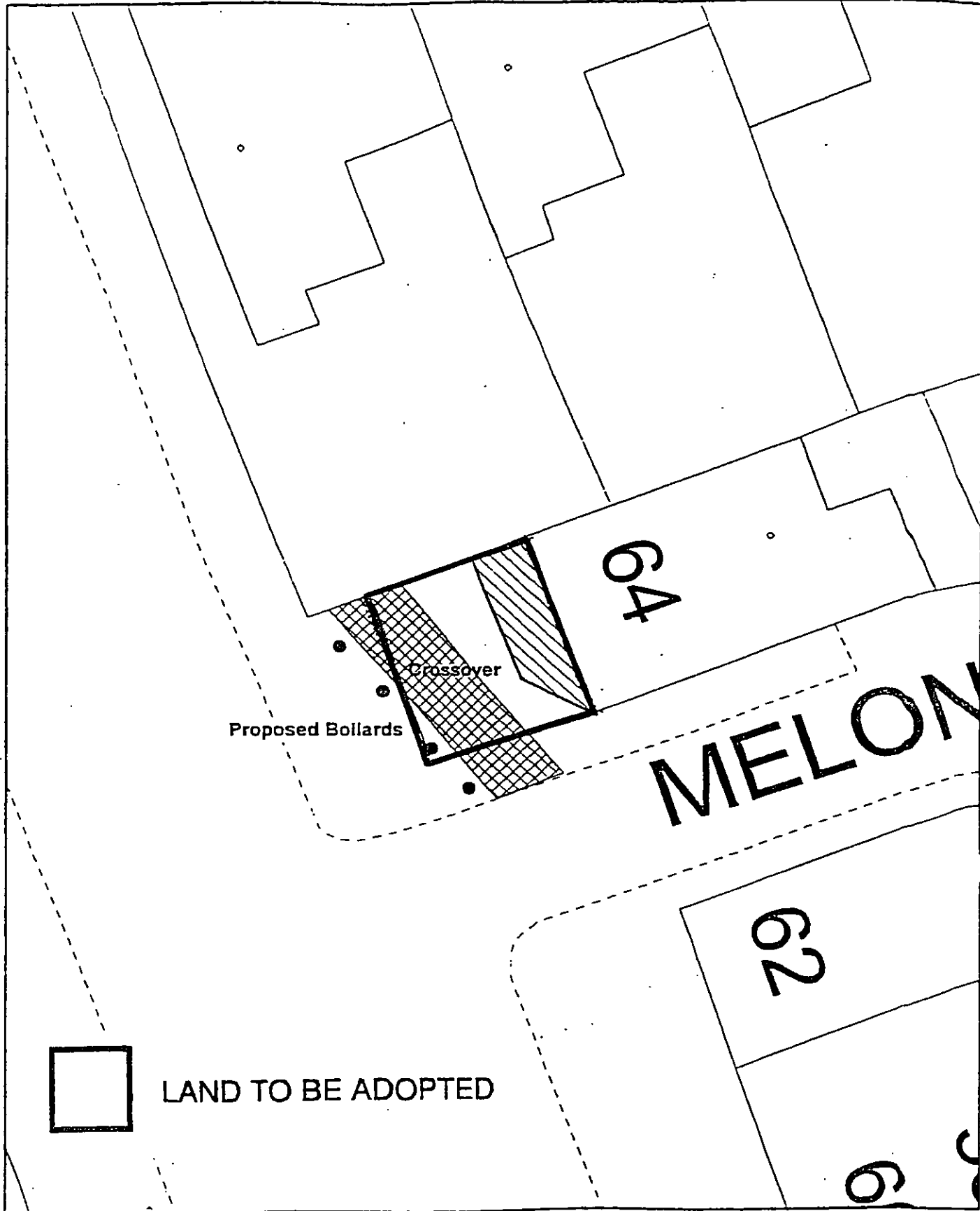
I think in the light of all the earlier discussions, that the best way would be for us to meet on site and agree a way forward.

My secretary is currently away from the office but I will ask her to arrange such a meeting in the near future. I propose that I would be accompanied by the Council's Planning Solicitor, a Transportation Officer and Mr MacDonald.

Yours sincerely

M. J. French
Executive Director, Planning and Conservation

F

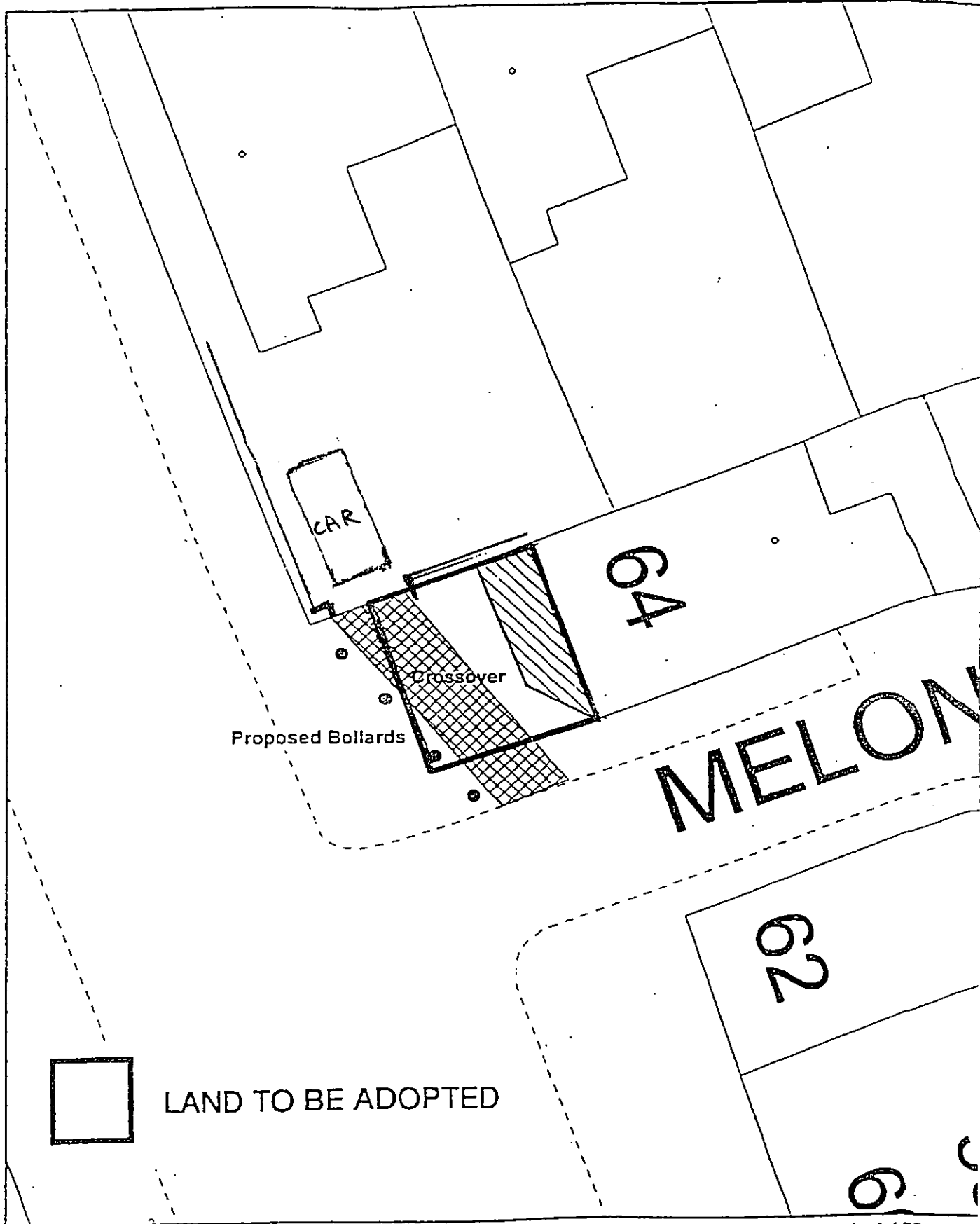


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Scale 1:150

Address: 64/64a Kensington Church Street





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Scale 1:150

Address: 64/64a Kensington Church Street



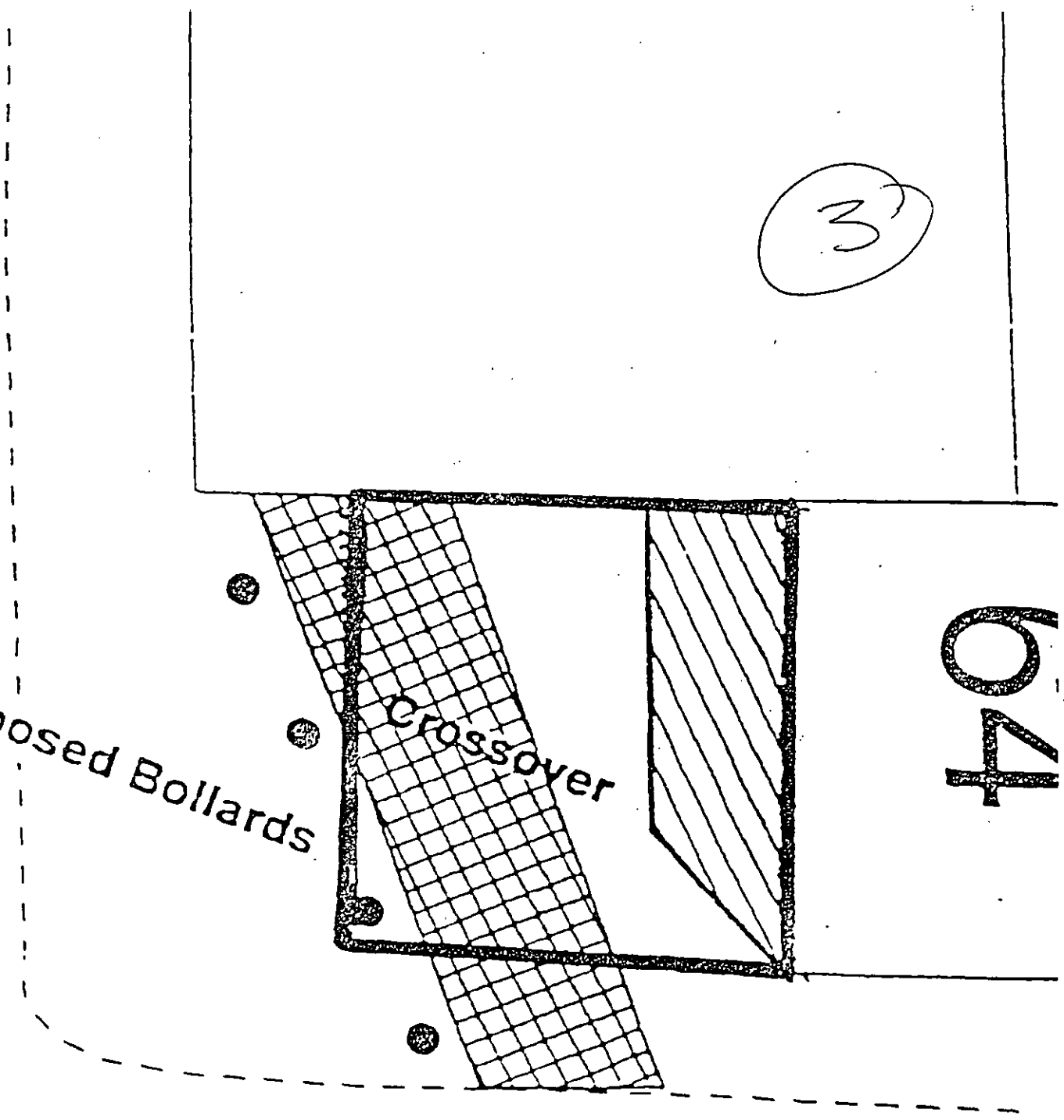
3

64

Crossover

Proposed Bollards

1



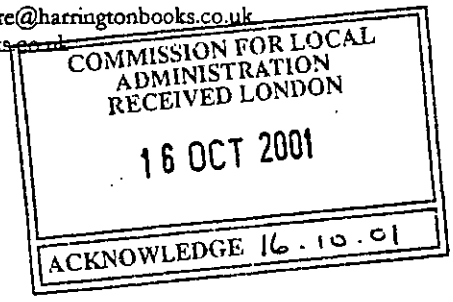
01/02/14'S

ADRIAN HARRINGTON LTD

Antiquarian Books, Prints & Maps



64A, Kensington Church Street, Kensington, London W8 4DB
tel 020 7937 1465 · fax 020 7368 0912 · e-mail: rare@harringtonbooks.co.uk
website: www.harringtonbooks.co.uk



12th October 2001

Mr M Thayre
Investigator
The Commission for Local Administration in England
21 Queen Anne's Gate
London SW1H 9BU

Dear Mr Thayre

Apologies for the late reply to your letter dated 30th August.

There are a number of points that I would like to comment on regarding the Council's reply to my complaint:

At no time did the council put their initial commitment in writing, other than in general terms and I accept this. However, they have changed their position on a number of occasions; I refer back to my original meeting with Nigel Brown where the council seemed keen to see the site developed. They agreed they would sell the land back to me subject to planning consent and, erroneously as it transpires, informed me that my neighbour's gates were illegal and would have to be bricked up.

The situation was not helped by the change of planing officers at the Town Hall at this time. Ms Salmon effectively attempted to back pedal on her predecessors encouraging comments. The council did subsequently sort out their confusions over the cross over and planning rights for my neighbour. They did this retro-actively and I fail to see how any of this affects what I am hoping to achieve at the front of my property. Indeed, the appeals officer was very clear in stating that he saw no problems with the highway.

A memo from the Valuer's Department states the operational reasons for the councils concerns about the highway are well documented in the notes held by the Highways officers. I would like to see these notes.

I repeatedly asked for a meeting on site with the council's relevant parties to see if there was the possibility for some compromise but they relentlessly refused. I am therefore in a position where the council have encouraged me in a course of action and as I have followed up they seem to have retreated. A meeting on site would help to resolve issues and clear misunderstandings. It would need to be with all of the relevant officers. In the past I have dealt with departments separately. The council have introduced new "players" as their position changed. Whereas in the beginning I was dealing with the Valuation Department and Planning, they subsequently introduced Highways and Legal and at one point I think, mentioned Environmental. Given that the evidence in print is that the council *did* encourage me along the path that they would sell the land a meeting is the very least that one would expect.

Yours sincerely

Adrian Harrington

A handwritten signature in black ink, appearing to be 'Adrian Harrington', written in a cursive style. The signature is positioned below the printed name.

**PLANNING AND CONSERVATION
INTERNAL MEMORANDUM**

TO: Richard Hemmings - Director of Legal Services **ROOM NO:**
CC:
FROM: Paul Kelsey **ROOM NO:**
TELEPHONE: 020 7361 2084 **EMAIL:** Paul.Kelsey@rbkc.gov.uk
DATE: 25 September 2001 **REF:** dis/ag/og
SUBJECT: Ombudsman Complaint - Mr Harrington
64/64A Kensington Church Street

I refer to your memo dated 30 August 2001 regarding the above.

I have looked at our file on this issue and there does not appear to be any comment that I can make from a planning point of view apart from to confirm that planning permission for the shop extension was granted on appeal on 27 October 1999.

I enclose a copy of the appeal decision. Paragraph 8 of the decision appears to be pertinent to this case.


M J French
Executive Director, Planning and Conservation

64-64A KENSINGTON CHURCH STREET

Property Card N° : 0440 105 30

Sitename :
 Comment :
 TP Arch/History :
 See Also :
 Xref :
 Notes :

TP No TP/98/2078 Brief Description of Proposal 1 of 3

THE ERECTION OF A FRONT EXTENSION AT GROUND FLOOR LEVEL.

****APPEAL ALLOWED AND PERMISSION GRANTED****

Received 28/10/1998	Decision & Date		Appeal
Completd 05/11/1998	Refused	25/01/1998	Lodged
Revised 16/12/1998			Y 21/07/1999

TP No TP/98/2077 Brief Description of Proposal 2 of 3

AMENDMENT TO PLANNING PERMISSION (REF; TP/98/1205)
 DATED 25/09/98, COMPRISING RAISING THE PARAPETS OF REAR
 EXTENSION AND ALTERATIONS TO DESIGN OF ROOFLIGHT.

Received 28/10/1998	Decision & Date	
Completd 05/11/1998	Conditional	20/01/1999
Revised 16/12/1998		

TP No TP/98/2078 Brief Description of Proposal 3 of 3

TOWN & COUNTRY PLANNING ACT 1990.
 APPEAL AGAINST REFUSAL DATED 25.01.99.

***** APPEAL ALLOWED AND PERMISSION GRANTED *****

Received	Decision & Date	
Completd	Conditional	27/10/1999
Revised		

MESSAGE FORM

(PK) ?

To MJF How you get this?

WHILE YOU WERE OUT

M Alice Goodlife

of 64A Ken Ct. St

Tel. No X 2257

CALLLED TO SEE YOU		PLEASE RING	<input checked="" type="checkbox"/>
TELEPHONED	<input checked="" type="checkbox"/>	PLEASE VISIT	
WANTS TO SEE YOU		WILL RING YOU	
URGENT		WILL CALL AGAIN	

re Ombudsman Complaint - Mr. A. Harrington

Message

Memo dated 30 August was sent from Richard Hennings, asking for comments.

Signed 98/2078

Date 1819 Time 11:00

MEMORANDUM

TO: Mike French – Executive Director, Planning and Conservation]
Craig Wilson – Director of Highways and Traffic

FROM: Richard Hemmings - Director of Legal Services

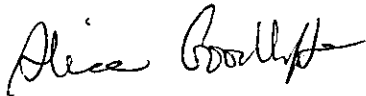
DATE: 30th August 2001

MY REF: dls/ag/om

Ombudsman Complaint – Mr A Harrington

I enclose a copy of a letter dated 1st August from the Ombudsman together with a response I have received from Ian Doolan, Borough Valuer. I should be most grateful if you could let me have further information on the matters raised in Mr Harrington's letter dated 31st May.

Thank you.



Richard Hemmings
Director of Legal Services

enc

AUG 2001



1 August 2001

FIRST CLASS

The Commission for
Local Administration in England

Mr D Myers
Town Clerk & Chief Executive
Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
London
W8 7NX

E B C Osmotherly CB
Local Government Ombudsman
P J MacMahon
Deputy Ombudsman

Your ref:
Our ref: 01/A/02745/MT/SM

If telephoning contact: Mike Thayre on 020 7915 3222

218
*See
Ackenzie*

Dear Mr Myers

The Local Government Ombudsman has received a complaint by Mr A Harrington of 64a Kensington Church Street, London W8 4DB. I enclose details of the complaint.

As I understand it, the complaint can be summarised as follows:

that, unreasonably, the Council have refused to abide by a previous commitment to sell you a small portion of land in the vicinity of your property in Kensington Church Street.

I am now investigating this complaint. I should, therefore, be grateful if you would send me your comments on the complaint within 15 working days of receiving this letter. In addition to your general comments:

- (1) let me have a chronology summarising the key events forming the complaint and setting out all approaches from the complainant and the actions taken in response by the Council;
- (2) forward copies of all relevant correspondence between the Council and the complainant and any third parties (not enclosed with the complaint form);

/...

- (3) let me have copies of notes of all relevant meetings and discussions between Council officers and the complainant;
- (4) provide a plan showing the areas of land which are the subject of the complaint and the Council's investigations to date;
- (5) comment specifically on each of the detailed points made in the complainant's covering complaint letter.

Please bear in mind that your comments and any accompanying documents will usually be shown to the complainant.

The Ombudsman welcomes it if a council is able to settle a complaint locally. Please let me know if you feel that this might be possible in this case.

Yours sincerely

MP
Mike Thayre
Investigator

Enc: details of complaint

Adrian Harrington Rare Books

64A Kensington Church Street

London W8 4DB

Tel: 0200 7937 1465 Fax: 020 7368 0912

COMM LOCAL ADMIN

The Ombudsman
Chairman Of the Commission for Local Administration
21 Queen Anne's Gate
London SW1H 9BU

RECEIVED

31st May 2001

Dear Sir,

I am writing to you with regard to a property that I own: 64/64A Kensington Church Street, London, W8 4DB. I am an Antiquarian Bookseller of some 30 years standing, previously trading from and owning the Chelsea Antique Market in the Kings Road. I purchased the Kensington Church Street property in August 1997 and immediately appointed a local firm of architects, Colwyn Folkes of 229 Kensington High Street. With their help I contacted and had a series of communications with various departments at the Town Hall to lay plans for the restoration and extension of the building. (It was in a sad state of neglect). The previous owners had furnished me with a photograph of the shop taken in 1964 (enclosed). It showed a single story front extension of some 4- 4.5 metres in depth that had been compulsorily purchased and demolished by the Council for a road widening scheme. This scheme was subsequently abandoned.

As a result of all this we entered into a number of meetings and a lot of correspondence and telephone calls with the Council. (See Case History, enclosed), Throughout all of this time the Council indicated that they were keen to undo the original compulsory purchase of the fore court and return the area to something like its former appearance. Indeed, initially they wanted a total re-instatement. A pair of gates, however had been put into a party wall by my neighbour in the early 1990s, affecting any potential full reinstatement. At my first site meeting with a representative of the Council I was informed that the gates were completely illegal and that the Council would be demanding their removal. Subsequently it emerged that a timber pedestrian access gate had been granted with positively no vehicular access. What was installed was a pair of metal gates and cars were parked. Having encouraged me to go out some 4.5 metres the Council now had a dilemma. They resolved this by giving retroactive permission for my neighbour to have vehicular crossover rights some 15 months later. As I had never had much confidence that the Council were ever going to enforce their original planning consent I asked for permission to go out some 3 metres i.e. up to my side of the neighbours erstwhile illegal gateposts. Sadly, at this time The Council's Ms Salmon, who had taken over from Alison Tiro, had cold feet as the neighbour gathered his forces, feeling that his crossover rights were under threat. At a site visit she arbitrarily decided that the Council would only allow me to go out 1.5metres! Some 3 metres short of what had been in the offing some 15 months before.

I went to appeal and won. The Appeals Officer, who's report is enclosed, was clear in his reversal of the Council's first planning consent of 1.5mtrs and covered the question of crossover rights (see doc.28)

Despite having obtained permission to go out some 3 metres and the Council saying that they would sell me back land that I obtained planning consent on, they are still adamant that they will only sell me back some 1.5 metres. I have appealed to the Chief Executive Officer and asked for a site meeting with the various departments concerned in order to find a way forward. As you will note from the enclosed documents, his replies are evasive and do not cover the issues raised. He intimates that the reason for refusal is something to do with Highways, but doesn't tell me what those reasons are. The Appeals Officer covered Highways issues in his report and RBK & C Highways Department were kept informed throughout by my architects.

I have restored the building to a very high standard and would like to finish the job. In doing this I have moved a flourishing business into the area and created jobs. I feel that the Council has behaved in a haphazard manner and with a lack of communication between their various departments. This has led to confusion and a messy cover up by the Council.

All I want to do is restore the building to its former state whilst not affecting my neighbours rights of crossover. I do not understand why the Council has retreated so far from their former position. I therefore ask you to review the enclosed documentation. If you have any queries please do not hesitate to contact me. I hope that my complaint is clear. I would like to buy back from the Council the land for which I have planning consent as they agreed, in principal back in September 1997.

I look forward to your early response.

Yours Faithfully

Adrian Harrington

A handwritten signature in black ink, appearing to be 'Adrian Harrington', written over a horizontal line.

Memorandum

To: Richard Hemmings
Director of Legal Services

Your Ref: dls/ag/om

From: Ian Doolan
Borough Valuer

Extension: 2847
My Ref: IMD

CC:

Date: 21/08/2001

Ombudsman Complaint – Mr A. Harrington, 64 Kensington Church Street.

I refer to your memorandum dated 7th August 2001 in connection with the above. I confirm I received the correspondence attached with the Ombudsman's letter dated 1st August 2001.

It is incorrect for Mr Harrington to state the Council has refused to abide by a "previous commitment" to dispose of a small parcel of forecourt as no commitment was ever given. Terms to sell a small strip of the forecourt to Mr Harrington have never been agreed despite discussions commencing in 1997 and committee approval being obtained in 1999.

At Mr Harrington's request the Council entered into preliminary discussions regarding the disposal of a small strip of land for which Mr Harrington obtained planning permission to extend his shop. Mr Harrington has also extended his shop at the rear. Mr Harrington subsequently applied for a larger extension at the front of the property but this was refused planning permission. Mr Harrington appealed against the Council's decision and planning permission was granted on appeal.

As Mr Harrington obtained planning permission for the larger extension he felt the Council should sell him this larger area of forecourt. It was not considered practical for highway reasons to sell the larger area of land and this has always been the Council's position. The operational reasons are well documented in correspondence and notes of meetings with Highway and Planning Officers and the Director of Legal Services (John Zukowski).

The Council's offer to sell the smaller strip of the forecourt still stands and is outlined in the letter to Mr Harrington's architect of 2nd February 2000 and 13 March 2000.

Mr Harrington has complained previously. His complaint was investigated thoroughly and dealt with in the Chief Executive and Town Clerk's letter of 20th September 2000.

Chronology

1. Letter of 20 November 1997 from the Borough Valuer to Mr Harrington.

The Council confirms it owns the land in question and may be interested in selling. The letter asks for Mr Harrington's proposals for the land.

2. Letter of 13 January 1998 from Mr Harrington.

Mr Harrington states he is still interested in purchasing the forecourt. Mr Harrington also comments that planning consent had not been granted for the crossover at the rear of 16 Vicarage Gardens.

3. Letter of 27 February 1998 from the Borough Valuer to Mr Harrington.

The Council confirmed that the gates at the rear of 16 Vicarage Gardens have had planning consent since 1992. The letter states the Council does not have any objection in principle to selling the forecourt but believed it would be prudent to suspend any discussions until the outcome of Mr Harrington's planning application.

4. Report to the Highways and Traffic Committee on 16 March 1999

The report recommended that negotiations be opened on the terms of the disposal for the land shown on the attached plan to enable the property to be extended. The plan shows only a small part of the forecourt was to be sold.

5. Letter of 7 December 1999 from Mr Harrington.

Mr Harrington confirmed he wished to formally negotiate the purchase of the forecourt at 64 Kensington Church Street following the grant of planning permission.

6. Letter of 15 December 1999 from Borough Valuer to Mr Harrington.

Borough Valuer advising that a valuation of the forecourt will be required.

7. Site meeting of 18 January 2000.

Borough Valuer meets Mr Harrington on site when he expresses his desire to acquire a larger forecourt area.

8. Memorandum of 18 January 2000 to Director of Legal Services.

Borough Valuer seeks advice from the Director of Legal Services on whether a larger forecourt area could be sold to Mr Harrington. If there are no objections to the proposal by Highways and Traffic then BV will open up negotiations in respect of the larger area. The memorandum notes there is committee approval to dispose a 1.5 metre strip of the forecourt

9. Memorandum of 18 January 2000 from the Borough Valuer to Director of Highways and Traffic.

Borough Valuer wrote to Highways and Traffic asking their permission to commence negotiations with Mr Harrington for disposal of a larger part of the forecourt.

10. Memorandum from Director of Legal Services dated 20 January 2000 to Director of Highways and Traffic and Borough Valuer.

Director of Legal Services states following advice from the Director of Highways & Traffic, a 1.5 metre strip only of the forecourt is to be sold due to highway safety reasons.

11. Letter of 2 February 2000 from Borough Valuer to Mr Harrington's architect.

The letter reiterated the Council's willingness to sell the 1.5 metre strip of the forecourt. The letter requested Mr Harrington's written offer to purchase 1.5 metre strip of the land.

12. Letter of 13 March 2000 from Borough Valuer to Mr Harrington's architect.

The letter asked for a reply to the Borough Valuer's previous letter dated 2 February 2000.

13. Letter of 2 March 2001 from Mr Harrington's solicitor to Borough Valuer

Vizards, Staples and Bannisters wrote to the Council stating (incorrectly) the Council was now unwilling to dispose of the forecourt. The letter was forwarded to the Director of Legal Services for his reply. The letter was addressed to the Planning department but forwarded to the Borough Valuer's department.

14. Letter of 21 March 2001 from Director of Legal Services to Mr Harrington's solicitor.

The Director of Legal Services wrote to Vizards, Staples and Bannisters advising whilst preliminary negotiations had taken place with the Borough Valuer, these negotiations were of a very tentative nature and there is absolutely no evidence of any agreement of terms.

15. Letter of 20 September 2000 from the Chief Executive and Town Clerk to Mr Harrington.

The Chief Executive and Town Clerk advised Mr Harrington that his complaint had been fully investigated. The letter states it was only ever agreed (in principle) to dispose of a small forecourt area to enable planning permission granted by the Council to be implemented. No terms were ever agreed for the disposal of the forecourt area. The Chief Executive concludes by stating the matter was fully examined at length by the Council Officers with the overriding concerns being one of highway safety.

I do not have a copy of Mr Harrington's letter dated 12 September 2000.

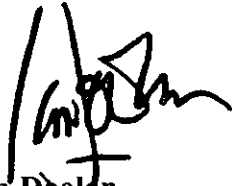
Other Information requested by the Ombudsman

I have enclosed copies of the correspondence outlined above as requested by the Ombudsman and the above notes provide background information to relation to the correspondence contained in the chronology section above.

A copy of the plan from the Highways and Traffic committee report dated 15 March 1999 highlights the 1.5 metre strip forecourt and 64 Kensington Church Street.

In reference to Mr Harrington's letter dated 31 May 2001, the Executive Director, Planning & Conservation and the Director of Highways and Traffic will be able to provide further information on the matters raised.

I would like to re-affirm the Council has agreed in principle of the disposal of a 1.5 metre strip of the forecourt to Mr Harrington. It has decided not dispose of the larger 2.8-3.0 metres strip of the forecourt.



Ian Doelan
Borough Valuer

RBKC - Planning and Conservation - Card Index - Site Map



Ordnance Survey Map Extract - Crown Copyright Reserved - RBKC Internal Use Only

QuickMap(24/09/2001)

Map width : 150.00m

Scale 1 : 769

MEMORANDUM

FROM: THE EXECUTIVE DIRECTOR OF
PLANNING AND CONSERVATION

TO: DT

MY REF: AD/PV

YOUR REF: ALS

EXTENSION NO.: 2081

DATE: 27.7.99

FILE NO.: 98/2078

APPEAL ON: 64-64A KENS. Church
St W8

I note that the above appeal is likely to be determined by way of:

PUBLIC INQUIRY

WRITTEN REPRESENTATION

INFORMAL HEARING

START DATE OF APPEAL: 26.7.99.

APPEAL AGAINST: Refusal of P.P.

3rd PARTY NOTIFICATIONS DUE:	<u>30.7.99</u>
3rd PARTY NOTIFICATIONS SENT:	<u>6-8-99</u>
QUESTIONNAIRE DUE:	<u>8.8.99.</u>
QUESTIONNAIRE SENT:	<u>6.8.99</u>
STATEMENT DUE:	<u>23.8.99</u>
STATEMENT SENT:	<u>19.8.99</u>
RULE 6 DUE:	<u>N/A.</u>
RULE 6 SENT:	<u></u>

OFFICER PREPARING STATEMENT: _____

OFFICER TAKING INQUIRY: _____

ADMIN: CM



① PC ② ALS



VIZARDS & STAPLES & BANNISTERS

Asia House
31-33 Lime Street
London EC3M 7HT
Tel 020 7400 9999
Fax 020 7626 7788
DX 165 Chancery Lane

Planning Department
Royal Borough of Kensington & Chelsea
Town Hall
Hornton Street
London W8

filed
17/98/2078

2 March 2000

Dear Sirs,

**64/64A Kensington Church St.
Adrian Harrington Limited**

Also at

Holborn
44 Bedford Row
London WC1R 4LL
Tel 020 7400 9999
Fax 020 7903 5555
DX 165 Chancery Lane

6 Great James Street
London WC1N 3DA
Tel 020 7400 9999
Fax 020 7831 6088
DX 165 Chancery Lane

Paris
130 rue du Faubourg St Honoré
75008 Paris

We act for Adrian Harrington Limited (formerly Sadaje Limited) ("AHL") the freehold owner of the above-mentioned premises ("the Premises").

AHL has been in negotiation with you for some time for the purchase of the freehold interest in the land immediately in front of the Premises which was formerly part of the Premises and which you acquired some time ago by Compulsory Purchase ("the Additional Land").

Following clear agreement with you previously and as you well knew, an application for Planning Permission was made in respect of an extension to the existing shop premises forming the ground floor of the Premises, which application was refused. Following an appeal against that refusal, the Secretary of State appointed an Inspector and Planning Permission was granted in respect of the Additional Land.

RECEIVED BY PLANNING SERVICES									
EXTENSION	HDC	N	C	SW	SE	ENF	AB	AGK	
14 MAR 2000									
IO	REC	FWD	CON	DES	FEE				

Since that time there has been protracted correspondence between you and AHL's architects Messrs Colwyn Foulkes over various detailed matters relating both to the Planning Permission and the sale by you of the Additional Land.

We now understand that you have indicated an unwillingness to sell the Additional Land to AHL using as a pretext the vehicle access which you have recently granted to AHL's neighbour Mr Martin.

- | | |
|------------------------|-------------------|
| Martin Staples | Anne Davies |
| Alan Bannister | Simon Loveday |
| David Rogers | Christopher Ryan |
| Mark Newman | Ian Latimer |
| Peter Knight | Gary Marshall |
| Robert Harrison | Lisa Frenguelli |
| John Hargreaves | Caroline Berens |
| Alexis Maitland Hudson | Martin Kay |
| Crispin Kenyon | Malcolm Underhill |
| Paul Greenhalgh | Hardeep Kular |
| Richard Houseago | Kate Lightfoot |
| Michael Mitchell | Rachel Barbenel |
| Julia Messervy-Whiting | Sarah Cochran |
| Steven King | Andrew Taylor |
| Michael Gwilliam | |

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www.vsb.co.uk

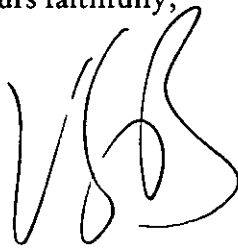
16.3.00
R

The purpose of this letter is to put you on formal notice that AHL reserves its rights against you in the event that contrary to all the various representations made in the past as to the sale of the Additional Land you purport to resile from your engagement.

In addition or as an alternative to substantial damages, AHL may seek the leave of the Court to bring an application for Judicial Review of any decision which you may make not to sell the Additional Land.

We hope that despite the indications given, the sale will be completed without the need for Court action.

Yours faithfully,



VIZARDS STAPLES & BANNISTERS

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Vizards, Staples & Bannisters
Asla House
31-33 Lime Street
London EC3M 7HT

Switchboard:
Extension: 2057
Direct Line: 0207-361-2057
Facsimile: 0207-361-3463
Email: plndmt@rbkc.gov.uk
Mr.: D. Taylor

16 March 2000

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

My reference: DPS/DCC/TP/H/ Your reference:
DT

Please ask for: Mr D. Taylor

Dear Sir,

Town and Country Planning Act 1990
64/64A Kensington Church Street

*filed
21/9/8/2078*

I refer to your letter of 2nd March 2000, relating to the matter of sale of land adjacent to the above property.

I have passed your letter to the Director of Legal Services for their response. The matter is being dealt with by our solicitor Mr J. Zukowski, who will reply directly to you.

Yours faithfully,

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

R

holding letter ref 52



**VIZARDS &
STAPLES &
BANNISTERS**

**Planning Department
Royal Borough of Kensington & Chelsea
Town Hall
Hornton Street
London W8**

**Asia House
31-33 Lime Street
London EC3M 7HT
Tel 0171 400 9999
Fax 0171 626 7788
DX 165 Chancery Lane**

2 March 2000

Dear Sirs,

**64/64A Kensington Church St.
Adrian Harrington Limited**

Also at

**Holborn
44 Bedford Row
London WC1R 4LL
Tel 0171 400 9999
Fax 0171 903 5555
DX 165 Chancery Lane**

**6 Great James Street
London WC1N 3DA
Tel 0171 400 9999
Fax 0171 831 6088
DX 165 Chancery Lane**

**Paris
130 rue du Faubourg St Honoré
75008 Paris
Tel (+33 1) 53 83 71 71
Fax (+33 1) 53 83 71 72**

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Martin Staples
Alan Bannister
David Rogers
Mark Newman
Peter Knight
Robert Harrison
John Hargreaves
Alexis Maidland Hobson
Crispin Kenyon
Paul Greenhalgh
Richard Housego
Michael Mitchell
Julia Messervy-Whiting
Steven King
Michael Gwilliam

Anne Davies
Simon Loveday
Christopher Ryan
Jan Tatimer
Lisa Frenguelli
Caroline Berens
Jane Powell
Martin Kay
Malcolm Underhill
Hardeep Kular
Kate Lightfoot
Rachel Barberci
Sarah Cochran
Andrew Taylor

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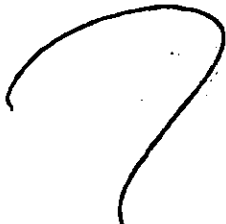
www.vsb.co.uk

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In addition or as an alternative to substantial damages, AHL may seek the leave of the Court to bring an application for Judicial Review of any decision which you may make not to sell the Additional Land.

We hope that despite the indications given, the sale will be completed without the need for Court action.

Yours faithfully,

A large, stylized handwritten signature, possibly reading 'Vizards', written in black ink.

VIZARDS STAPLES & BANNISTERS

9/8/64-64A
2077
in Church Street

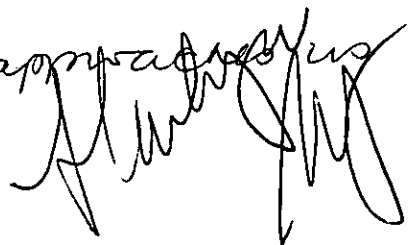
The problem for Mr Martin
is that the extension granted
on appeal will block his rear
access to his garden — it is
of little planning consequence
and really a matter to be
resolved between the two
adjoining land owners

file?

Derek

Michael

I think we just want to
see if Mr. Martin approaches us
directly.
Derek



MESSAGE FORM

To

WHILE YOU WERE OUT

M

of

Tel. No

CALLED TO SEE YOU		PLEASE RING	
TELEPHONED		PLEASE VISIT	
WANTS TO SEE YOU		WILL RING YOU	
URGENT		WILL CALL AGAIN	

re

Message

.....
.....
.....
.....

Signed

Date Time

See decision letter + discuss

with DT re how to reply

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
19 NOV 1999							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEs	

5 Melon Place
London W8 4DE

This is just correspondence between him + Inspectorate
17th November 1999
→ File

Mr D Shorland
The Planning Inspectorate
Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Dear Sir

64-64A Kensington Church Street, London, W8
Your Ref: APP/K5600/A/99/1026251

Thank you for your letter dated the 27th October 1999.

I do not wish to challenge the decision made regarding the appeal. As you are fully aware few people have the funds to launch such an appeal.

However, I do wish to make a formal complaint regarding the frivolous way Mr Nicholas Hammans has conducted this appeal and regarding the way that the Kensington Planning Department has allowed Mr Harrington to abuse the planning system.

Doubtless you will inform me as to how I can make and to whom I can direct, my complaint.

Specifically I complain about Item 3 under the heading Inspectors Reasons and the statement that 'the appeal site is a small shop'. The correct expression should be was a small shop.

Your department is obviously unaware that via two planning applications which were granted and subsequently amended via delegated powers Mr Harrington has already doubled the area of the shop unit.

The allowing of the appeal will result in a further enlargement of the unit.

In addition, a fact of which Kensington Planners are fully aware but which they choose to ignore, Mr Harrington is using two floors of the premises, previously used as a residential unit, as offices without the appropriate change of use permission.

Secondly under Item 8 and the heading Effect on Adjoining Property you note that 'Melon Place is a short cul-de-sac where it is reasonably safe to manoeuvre and turn'.

this will be investigated
see letter with DTFB

2

Mr D Shortland

17 November 1999

*He looked when did
SU*

Could you please inform me of the precise day(s) and time(s) that you inspected Melon Place. I believe that no such inspection and no site visit has taken place.

*Not upto
Inspector to
contact
residents
Necessary ones
notified by
us*

For your information, Melon Place is a short cul-de-sac which is constantly blocked by illegally parked cars belonging to the adjoining shops and offices. The relevant department of the Royal Borough refuses to do anything about this parking. Rather than being easy to manoeuvre within Melon Place I can often not gain proper access to my house. I believe it would have been right and proper for you to have contacted directly the residents of Melon Place.

I look forward to your response and the detail of how I can lodge my complaint.

Yours sincerely

Colin Hayward FRICS

c.c RBK&C Planning Department



GOVERNMENT OFFICE
FOR LONDON

ENVIRONMENT DEPARTMENT	
Rec'd 12 NOV 1999	
Referred to	Initials

PLANNING
Room 9.29
Riverwalk House
157-161 Millbank
LONDON SW1P 4RR

Telephone: 0171 217 3456
Direct Line: 0171 217 3118
Fax: 0171 217 3471

Copy

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	S	SW	SE	ENF	AO ACK
19 NOV 1999							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

Mr P Martin
16 Vicarage Gardens
Kensington
LONDON W8 4AH

Your ref:

Our ref:
LRP13/K5600/06

Date: 10 November 1999

Dear Mr Martin

TOWN AND COUNTRY PLANNING ACT 1990
DEVELOPMENT AT 64-64A KENSINGTON CHURCH STREET, LONDON W8 (RB
KENSINGTON AND CHELSEA)

1. Thank you for your letter and enclosures of 5 November 1999 concerning the above.
2. You requested that the recent planning permission allowed on appeal concerning the above-mentioned site be revoked. I note that you have also written to the Planning Inspectorate in Bristol and to the Ombudsman.
3. Under Town and Country planning legislation local planning authorities are responsible for the day to day control of development within their area. In doing so they are required to take into account all material considerations including the views of interested persons.
4. The Secretary of State's powers to revoke planning permission under section 100 of the Town and Country Planning Act 1990 are used in exceptional circumstances where the original decision was so grossly wrong that the wider public interest was damaged. Your representations have been carefully considered but this particular matter is not one in which the Department would wish to intervene.
5. The planning permission therefore remains valid until such time as it is either successfully challenged through the High Court or the Royal Borough of Kensington and Chelsea seek to use their revocation powers.

Yours sincerely

J C Q Rowett
J C Q ROWETT

c RB Kensington and Chelsea
Mr Baston Planning Inspectorate

ref + P/98/2078





ALS

ENVIRONMENT
DEPARTMENT

Rec'd 12 NOV 1999

GOVERNMENT OFFICE
FOR LONDON

PLANNING
Room 9.29
Riverwalk House
157-161 Millbank
LONDON SW1P 4RR

Telephone: 0171 217 3456
Direct Line: 0171 217 3118
Fax: 0171 217 3471

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Mr P Martin
16 Vicarage Gardens
Kensington
LONDON W8 4AH

Your ref:

Our ref: LRP13/K5600/06

Date: 10 November 1999

Dear Mr Martin

TOWN AND COUNTRY PLANNING ACT 1990
DEVELOPMENT AT 64-64A KENSINGTON CHURCH STREET, LONDON W8 (RB
KENSINGTON AND CHELSEA)

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Yours sincerely

J C Q ROWETT

c RB Kensington and Chelsea
Mr Baston Planning Inspectorate

RCR 1P/98/2078

AL



The Planning Inspectorate

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878930
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078/K/51/43

Our Ref:
APP/K5600/A/99/1026251

27 October 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

The attached decision is in a new format. Traditionally decisions have been issued as a letter. That form of layout has meant that the administrative data, facts about the appeal - including the site address, who made the appeal, the local planning authority - as well as information to support the decision and the decision itself, has been embedded within the text. This new approach is intended to provide a clearer and more customer friendly document.

All the information about the appellant, the LPA, the site, the development and the relevant legislation is now at the top of the first page. The decision itself is also given at the beginning with the reasoning which supports it following. No changes have been made to the way in which the decision is reached; the reasoning behind the decision will remain..

Yours faithfully

PP Mr D Shorland
211B

copy

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Appeal Decision

site visit held on Wednesday, October 13, 1999

by Nicholas Hammans FRSA FRTPI FRGS PPBEng

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

27 OCT 1999

Appeal : T/APP/K5600/A/99/1026251/P2

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Mr A Harrington against the Royal Borough of Kensington and Chelsea.
- The address is 64-64A Kensington Church Street W8.
- The application (ref: TP/98/02078/K/51/43), dated 28 October 1998, was refused on 25 January 1999.
- The development proposed is the extension of the front of shop, demolition of existing extension to rear of the premises and formation of a new mezzanine level at the rear of the premises

Decision: The appeal is allowed and planning permission granted subject to conditions set out in the attached schedule.

Procedural matters

1. As the site is in a Conservation Area, I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. In accordance with Planning Policy Guidance Note 16 I must also bear in mind the interests of archaeology.

The main issues

2. The Council's reason for refusal relates specifically to the extension in the front of the shop. The main issue is whether this extension would harm the appearance of the building or disrupt the street scene. Further issues arise from its effect on the access and residential amenity of 16 Vicarage Gardens and other property backing onto the site.

Inspector's reasons

3. The appeal site is a small shop, on the corner of Melon Place, just where Kensington Church Street widens and sweeps round in a curve towards its junction with Vicarage Gate. The building line south of Melon Place is a regular, 4-5 storey façade which follows the curve along the back of pavement. The existing shopfront, just north of Melon Place, is set back to the same line. Beyond it the road narrows and the building line breaks forward to reveal the rear elevation and boundary walls of 16 Vicarage Gardens.
 4. The Council's Kensington Palace Conservation Area Proposals Statement contains a detailed analysis and many positive proposals for the Conservation Area, including an appreciation of the frontage as a whole and criticism of the contemporary appearance of 16 Vicarage Gardens and its boundary. The Council has already given planning permission for
-

the shopfront to be extended on the front of the appeal premises [Ref TP/98/1205], so although it would be highly visible, and would partly mask the back of 16 Vicarage Gardens, there is no objection in principle if the ground floor frontage line breaks forward here. From an aesthetic point of view the question is whether the proposed shopfront would be out of proportion, too big for the existing front elevation.

5. The existing building is of a small scale compared with its surroundings, having a three storey, narrow-fronted façade, barely 5m wide. The new shopfront would come forward about 2.8 metres, plus the depth of traditional fascia and mouldings. In my opinion it would retain the character and proportion of the existing building and would not harm it, not any more than the extension already approved. There is ample evidence that the original shopfront used to be of similar proportion many years ago, though my conclusions in this appeal are based on what I see there now. If planning conditions are imposed to ensure the right materials are used, I consider the proposed shopfront would preserve or enhance the Conservation Area as a whole; and would not conflict with the relevant urban design policies CD25, CD44, CD52 and CD53 in the adopted Unitary Development Plan.
6. As to the rear extension, which is included in the application, I find the Local Planning Authority has negotiated satisfactory details, including the brickwork and roof-light. So the design, as amended, is acceptable, subject to the appropriate conditions.

Effect on adjoining property

7. The back garden of houses in Vicarage Gardens abut the appeal site, so they are partly in its shadow. On balance, however, the proposed extensions would make very little difference to the shading of the gardens, or the outlook from existing houses. Having looked at this aspect and taken account of the written representations from residents, I consider it does not justify withholding planning permission, provided the flat roofs are not occupied as terraces which might overlook or invade the privacy of the neighbours.
8. 16 Vicarage Gardens has a rear access onto the junction of Melon Place and Kensington Church Street. There is a pair of iron gates between gateposts, with a hardstanding behind. The access is lightly used, and can only be used with care. At present vehicles coming out of this gate can swing across the broad pavement to a dropped kerb on the Melon Place frontage. The proposed shopfront would make the pavement narrower here and reduce the available radius for emerging vehicles. This would not increase the danger for pedestrians, because the access is so visible, but it would be marginally less convenient for the emerging driver. However, Melon Place is a short cul-de-sac, where it is reasonably safe to manoeuvre and turn. So there are insufficient grounds to dismiss this appeal.

Conclusions

9. I have taken account of all the other matters raised in the written representations, but they do not affect my conclusion that planning permission should be granted. This notice only grants permission under Section 57 of the Town and Country Planning Act 1990 and does not affect property rights, nor does it authorise stopping up any public highway or footway. The developer's attention is further drawn to the need to provide access to the shop for people with disabilities.
10. For the reasons given above I conclude that the appeal should, on balance, succeed and I shall exercise the powers transferred to me accordingly.

Nicholas Hamman

Schedule:

Appeal : T/APP/K5600/A/99/1026251/P2

- The appeal is allowed and planning permission granted for the extension of the front of shop, demolition of existing extension to rear of the premises and formation of a new mezzanine level at the rear of the premises in accordance with the terms of the application [ref: TP/98/02078-K/51/43] dated 28 October 1998, and the plans L-243/L(O) -23, -80(Rev A), - 81(Rev A), - 82(Rev A), subject to the following conditions:
 - (i) The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
 - (ii) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
 - (iii) The shopfront, windows, stallriser and pilasters shall be constructed in timber and thereafter retained.
 - (iv) No work shall commence on the appeal site until samples of the brickwork to be used and details of the design, materials and finishes of the rooflight in the rear extension have been submitted to and approved in writing by the Local Planning Authority.
 - (v) The flat roofs of the extensions to the building shall not be used as terraces.



The Planning Inspectorate

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878930
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078/K/51/43

Our Ref:
APP/K5600/A/99/1026251

11 October 1999

AG

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

I have received the correspondence dated 8 October from the appellant's agent. If this has not been copied to you already, please contact the appellant's agent and ask for a copy.

If you wish to comment on the correspondence, please ensure that your reply is received in this office no later than 7 days from the date of this letter. Remember to send a copy to the appellant's agent.

Yours faithfully

D Shorland

Mr D Shorland

211A

RECEIVED BY PLANNING SERVICES							
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12 OCT 1999							(22)
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The Planning Inspectorate

Room 1003
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GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078/K/51/43

Our Ref: RECEIVED BY PLANNING SERVICES
APP/K5600/A/99/1026251

8 October 1999

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Dear Madam

TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON

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If you wish to comment on the correspondence, please ensure that your reply is received in this office no later than 7 days from the date of this letter. Remember to send a copy to the appellant's agent.

Yours faithfully

Mr D Shorland

211A

Arz.



The Planning Inspectorate

Room 12/02 West
Tollgate House
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Bristol BS2 9DJ

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Switchboard 0117-9878000
Fax No 0117-9878804
GTN 1374-8644

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078/K/51/43

Our Ref:
APP/K5600/A/99/1026251

28 September 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

I am writing to inform you that the inspector appointed by the Secretary of State to determine the above appeal in accordance with the provisions of Schedule 6 of the Act is

Mr N J Hammans FRSA FRTPI FIAS PPBEng FRGS.

With reference to the above appeal, the Secretary of State has arranged for the inspector to visit the appeal site at 11:30am on Wednesday 13 October 1999 and you are requested to arrange for the inspector to be met at the site at 11:30am 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.

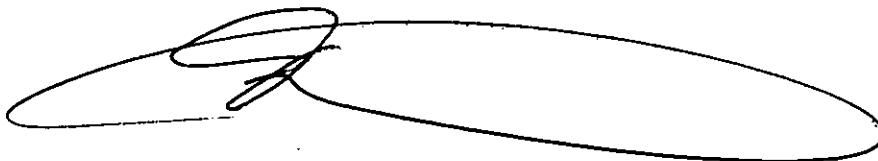
At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeal or to listen to arguments from any of the parties.

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.

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110		30 SEP 1999					
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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, due for example to the receipt of late representations, we will let you know.

Yours faithfully

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Mr P Pheasant

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

209D



The Planning Inspectorate

Als.

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

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Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078/K/51/43

Our Ref:
APP/K5600/A/99/1026251

10 September 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

I enclose a copy of correspondence from an interested party.

Please do not comment on the correspondence unless you think it raises new points. If you wish to comment, please ensure that your reply is received in this office no later than 7 days from the date of this letter. Remember to send a copy to the appellant's agent.

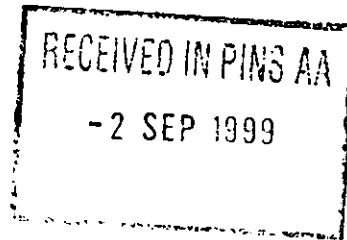
Yours faithfully

PP Shorland
Mr D Shorland

211A

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SEP 1999									
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14 Vicarage Gardens,
London W8. 4AH.
19th August, 1999.



The Planning Inspectorate,
(Room 1003) Tollgate House,
Houlton Street,
Bristol BS29DJ.

Dear Sirs,

DETR's reference: App/K5600/APP/A/99/1026251: 64/64A Kensington Church Street, Kensington, London. W8. 4AH.

I am writing to object to the further extension of the shop front at the above address.

This land is now public highway under the provisions of the Highways Act 1980. Had this fact been known at the time of granting the existing permission to extend the shop front by one and a half meters that permission would most probably have been refused. As things stand the Secretary of State's permission must now be sought to stop up the highway with respect to the area over which permission has already been granted.

That area of Kensington Church Street is one of the more interesting features of the street and should not be closed in. To do so would detract from the aesthetic appeal of the area.

My neighbour at number 16 has for many years had access from his rear garden into Melon place and what is proposed would make that almost impossible. He also has a pedestrian gate in his rear wall and the proposed extension would build over it.

Finally, Kensington Church Street is narrow enough, given the amount of traffic that has been forced onto it by traffic calming and other deliberate measures by the Local Authority in the surrounding streets and any suggestion that public footpath should be stopped up and built on is, in my opinion is not acceptable.

Yours faithfully,

Mer (Sophie MASSOT)

A25.



The Planning Inspectorate

Room 1003
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Bristol BS2 9DJ

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GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078/K/51/43

Our Ref:
APP/K5600/A/99/1026251

3 September 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

I enclose a copy of correspondence from an interested person.

Please do not comment on the correspondence unless you think it raises new points. If you wish to comment, please ensure that your reply is received in this office no later than 7 days from the date of this letter. Remember to send a copy to the appellant's agent.

Yours faithfully

Mr D Shorland

211A

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SM	SE	ENF	AO ACK		
05 SEP 1999									
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5 Melon Place
London W8 4DE

The Planning Inspectorate
(Room 1003)
Tollgate House
Houlton Street
Bristol
BS2 9DJ

31st August, 1999

Dear Sirs,

64-64A Kensington Church Street, Kensington, W8
DETR Ref: App/K5600/APP/A/99/1026251 - RBKC Ref. DPS/DCC/TP/98/02078

I have been informed of the appeal relating to the Borough's refusal of a planning application relating to the extension of the above building to the front at ground level.

I wish to register my agreement to and support for the Borough's reasons for refusal and to record my objection to the appeal. I would record that my property shares a party wall with the premises under discussion.

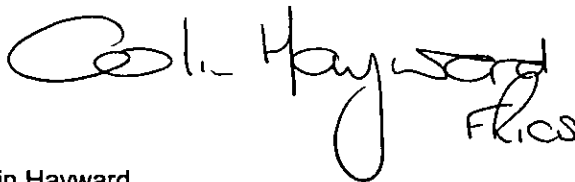
I would point out that the owner/occupier of 64-64A Kensington Church Street has already:

- (a) Obtained planning approval to double the floor area of the rear section of the property
- (b) Extended his business by using the first and second floor residential provision as office / showroom space

The granting of permission to extend the premises further at ground floor front would, in my view, constitute a further over development of the site and would only make worse the change in character of the premises already brought about by the above noted works.

I would be grateful if you could provide a copy of the Inspectors decision letter.

Yours sincerely,

A handwritten signature in black ink that reads "Colin Hayward". The signature is written in a cursive style. Below the main signature, the word "Flies" is written in a smaller, simpler font.

Colin Hayward



The Planning Inspectorate

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Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078/K/51/43

Our Ref:
APP/K5600/A/99/1026251

AWS

25 August 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

Please find enclosed a copy of a letter from Mr Martin and our reply.

Yours faithfully

Mrs C M Bate
211B

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(51)		26 AUG 1999							
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES			



The Planning Inspectorate

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878930
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-8930

Mr P Martin
16 Vicarage Gdns
London
London
W8 4AH

Your Ref:

Our Ref:
APP/K5600/A/99/1026251

25 August 1999

Dear Sir

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

I refer to the above appeal, and to your letter dated 18 August 1999.

It is not our policy to copy appeal documents to interested parties.

If you would like to make an appointment with your local planning authority the documents will be made available for your perusal.

Yours faithfully

Mrs C M Bate
211B

1026251

RECEIVED IN PINS AA
25 AUG 1999

16 Vicarage Gardens,
London. W8. 4AH..
18th August, 1999.

H.M. Inspectorate of Planning,
Tollgate House,
Houlton Street,
Bristol BST9DJ.

25 Aug 1999

Dear Sirs,

**re: Appeal against decision to refuse permission to extend
shop front at 64/64a Kensington Church Street, London. W8.**

Would you please forward a copy of the grounds of appeal in the above matter.

Would you also advise when a decision is to be made regarding the appeal.

Yours faithfully,



Peter Martin.



The Planning Inspectorate

ALS

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

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Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078/K/51/43

Our Ref:
APP/K5600/A/99/1026251

24 August 1999

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

I enclose a copy of correspondence from N Laird.

Please do not comment on the correspondence unless you think it raises new points. If you wish to comment, please ensure that your reply is received in this office no later than 7 days from the date of this letter. Remember to send a copy to the appellant's agent.

Yours faithfully

CBate

Mrs C M Bate

211A

RECEIVED BY PLANNING SERVICES									
EX DIR	HDC	N	C	SW	SE	ENV	AC	ACK	
25 AUG 1999						70			
FEES	IO	REC	ARB	FWD PLN	CON DES	FEES			

10/03

16 Vicarage Gardens,
London. W8. 4AH..
18th August, 1999.

24 AUG 1999

H.M Inspectorate of Planning,
Tollgate House,
Houlton Street,
Bristol BST9DJ.

RECEIVED IN PINS AA
24 AUG 1999

Dear Sirs,

**re: Appeal by Colwyn Foulkes (Architects) on behalf of
A. Harrington Esq. to extend the shop front at 64/64A
Kensington Church Street London W8.**

I am writing to object in the strongest possible terms to the extension of the above shop which is at the rear of my property for the following reasons:

1. The proposed extension, if allowed, would be built right across my vehicular crossover to gain access to Melon place. It would mean that my access would be to Kensington Church Street only, which is a main road and not one to which access is normally granted for a crossover. I have measured my car and from bumper to bumper it is sixteen feet and three inches. At that length it is virtually impossible to exit from an eightfoot wide opening and swing the car into Melon Place and at the same time keep clear of the proposed new extension. The only way that could be achieved is to back the car out of the gates and once the front of the car is clear of them swing the back on full lock towards Melon Place. The effect of this is that the front of the car crosses in front of pedestrians who may be heading south on the east footpath of Kensington Church Street. Moreover, more than one smooth swing is required to achieve the manoeuvre and the car has to be shuffled back and forth. This problem would be greatly increased if at some time in the future I wished to buy a larger vehicle or one with restricted vision.
2. Any member of the public who is entering or leaving the shop or has stopped to look in the window would be in a direct line with the passage of a car egressing from 16 Vicarage Gardens.
3. The area over which the application proposes building, is public highway. The Public locally, feel very strongly about keeping it as such and only very recently a number of those who had lived in the area for a period in excess of twenty years signed affidavits swearing that they had used this area as public highway for that period. This resulted in the adoption of the land as public highway by popular demand. It is an

2.

aesthetically pleasing feature of Kensington Church Street and should remain so.

Colwyn Foulkes and Partners may argue that a precedent has been set for building onto the public highway in that they were recently granted permission for an extension of one and a half (approx.) meters. However, that permission was granted at a time when the Local Authority believed the land in question to be private land owned by the Council. It has since been proved (by evidence from local residents who had lived in the area for a period in excess of twenty years, in the form of sworn Affidavits to the Local Authority) to be public highway under the provisions of the Highways Act 1980. It is my belief that had this fact been known at the time of granting the existing permission to extend the shop front by one and a half meters that permission would have been refused. As things stand the Secretary of State's permission must now be sought to stop up the highway with respect to the area over which permission has already been granted.

4. The proposed extension would be built directly over my existing pedestrian access gate onto the public highway thereby blocking it in. This gate was installed under the permitted development provisions which deem planning permission to have been granted.

5. The fact that the land was once part of the shop at 64 Kensington Church St. should have no bearing on the outcome of this application because under the "Crichel Down Rules" more than twenty five years have passed since the land was compulsorily purchased. Further, the land has "materially changed" since its purchase in that :

- (a) it is now public highway and
- (b) a crossover has been granted across that public highway.

Finally, the little square of footpath in front of 64 Kensington Church St. is one of the most attractive features of the street and has been enjoyed by the public for some thirty five years. To narrow the road again after so long would be very unfortunate given the amount of traffic increase (and fumes) that has occurred during that time as the council has caused much more traffic to be forced on to this street recently.

Yours faithfully,



Natalie M. Laird.

FAX FROM

NAME: CHRIS MORRIS

THE DIRECTORATE OF PLANNING SERVICES

DATE: 25/8/99

MAIN TELEPHONE NUMBER: 0171 937 5464

DIRECT LINE: 0171 361

FAX NUMBER (if different from below): —

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

TO

NAME: Tim Banks

OF: Town Planning Consultancy Ltd.

ADDRESS: _____

_____ POSTAL CODE _____

FAX NUMBER: 0171-928-5631

NUMBER OF PAGES TO FOLLOW: 9

COMMENTS AND/OR INSTRUCTIONS (if any)

re: 64/64a Kensington Church Street, WB

Please find enclosed copy of Council's
statement originally sent on 19/8/99.

OUR FAX NUMBER IS: 071 361 3463

L B K C PLANNING

	DATE	TIME	TO/FROM	MODE	MIN/SEC	PGS	JOB#	STATUS
03	08/25	09:20	0171 9285631	EC--S	02'48"	010		OK



The Planning Inspectorate

ALS

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878930
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078

Our Ref:

APP/K5600/A/99/1026251

19 August 1999

RECEIVED BY PLANNING SERVICES					
EX	51/43	3A	SF	ENI	AO ACK
23 AUG 1999					
HEI	CON	DES	FEE		

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

I enclose a copy of correspondence from an interested person.

Please do not comment on the correspondence unless you think it raises new points. If you wish to comment, please ensure that your reply is received in this office no later than 7 days from the date of this letter. Remember to send a copy to the appellant's agent.

Yours faithfully

Dave Shorland

Mr D Shorland

211A

RECEIVED IN PINS AA
11 AUG 1999

15 Vicarage Gardens
London W8 4AH
Aug 9th, 1999

Your ref: DPS / DOC / TP / 98 / 02078

DETR's ref: App / K.5600 / APP / A / 99 / 1026251

Dear Sir / Madam,

I do not approve of the extension of
64 & 64A Kensington Church St. London W8,
because since the purchase by the council,
the nature of the land in front of the
present shop has changed in so far as there
is a rightful drive-way and the land
has been used as a foot-path and a
right-of-way in excess of 20 years,
therefore no extension should be granted
for the safety of the public.

Yours sincerely,

C. D. Wertheim

C. D. WERTHEIM

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Department of the Environment
Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Switchboard: 0171-937-5464

Direct Line: 0171-361-2085

Extension: 2085

Facsimilie: 0171-361-3463

Date: 19 August 1999

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

My Ref: DPS/DCC/TP/98/02078/ALS

DETR's Reference: App/K5600/APP/A/99/1026251

Please ask for: Mrs. P. Abdelrahman

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 64-64A KENSINGTON CHURCH STREET, KENSINGTON, W.8

With reference to the appeal on the above premises, I attach a copy of this Council's Statement.

The appellant has been sent a copy direct.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

**THE ROYAL
BOROUGH OF**

Executive Director MJ FRENCH FRICS Dip TP MRTPI Cert TS

Town Planning Consultancy Ltd.
Irwin House
118 Southwark Street
London SE1 0SW

Switchboard: 0171-937-5464

Direct Line: 0171-361-2085

Extension: 2085

Facsimile: 0171-361-3463



**KENSINGTON
AND CHELSEA**

Date: 19 August 1999

My Ref: DPS/DCC/TP/98/02078/ALS

DETR's Reference: App/K5600/APP/A/99/1026251

Please ask for: A. Salmon

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 64-64A KENSINGTON CHURCH STREET, KENSINGTON, W.8

With reference to your appeal on the above address(es) enclosed you will find the Council's Statement and attached documents as necessary.

Yours faithfully,

M.J. FRENCH

Executive Director, Planning and Conservation

Enc.

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Appeal under Section 78 of the Town and Country Planning Act 1990 by Mr. Adrian Harrington against the Royal Borough of Kensington and Chelsea's refusal of planning permission for the erection of a front extension at ground floor level at 64/64A Kensington Church Street, Kensington, W8.

RBK&C Reference:

TP/98/2078

Planning Inspectorate Reference:

AP/K5600/APP/A/99/1026251

1.0 SITE

- 1.1 No.64/64A Kensington Church Street is located on the east side of the street between Melon Place and Vicarage Gardens. The property stands alone fronting Kensington Church Street and backing onto the side of the properties in Melon Place.
- 1.2 The property is within the Kensington Palace Conservation Area. It is not a listed building.

2.0 PLANNING HISTORY

- 2.1 Planning permission was granted on 23rd December 1964 for the installation of a new shopfront and erection of a rear extension.
- 2.2 Planning permission was granted on 7th November 1997 for the rebuilding of the flank elevations of the building.
- 2.3 Planning permission under reference TP/98/1205 was granted on 25th September 1998 for the erection of an extension at the front of the shop and rebuilding the rear extension at ground floor level. The front extension thus approved extended only 1.6 metres from the front of the building with a flat roof.
- 2.4 Planning permission was granted on 13th January 1999 for alterations to the rear extension only.

3.0 THE APPLICATION THE SUBJECT OF THIS APPEAL

- 3.1 On 28th October 1998, an application was submitted for an extension to the front of the shop at ground floor level only, together with alterations comprising raising the parapet walls and changing the design of the rooflight of the extension approved in September 1998 under reference TP/98/1205.
- 3.2 The application was registered as complete on 5th November 1998, and on 13th November, occupiers of 11 neighbouring properties in Melon Place, Kensington Church Street and Vicarage Gardens were notified of the proposal. On 20th November, the proposal was advertised on site and in the local press. Objections were received from the occupiers of three neighbouring properties. Concern was raised by the occupier of No.16 Vicarage Gardens adjacent to the north that the front extension of the property would conflict with access from his gates at the rear of his property. In addition, concern was raised that the extension would further enclose his garden. As such, it would both detract from his residential amenity and would detract from the appearance of the existing property. The occupier of 5 Melon Place to the east of the site raised concern at the extent of the front extension, and would constitute over development of the site and spoil the appearance of the shopping frontage. Concern was raised by the occupier of No.15 Vicarage Gardens that any

further front addition to No.64 would result in loss of light in their garden, and would detract from the character and appearance of the Conservation Area.

- 3.3 The application was determined by the Executive Director of Planning and Conservation in accordance with his delegated powers. It was refused planning permission on 22nd January 1999 for the following reason:-

“The front extension, by virtue of its projection from the front of the building, would constitute a prominent and obtrusive structure which would detract from the appearance of the building and by a matter of degree would depart from and disrupt the building line of the existing shops. As such, it would fail to preserve the character and appearance of the Conservation Area, contrary to the Council’s policies as set out in the Unitary Development Plan, in particular Policies CD25, CD44, CD52 and CD53.”

4.0 RELEVANT STATUTORY GUIDANCE

- 4.1 Section 54A of the Town and Country Planning Act 1990 states:-

“Where, in making any determination under the Planning Acts, regard is to be had to the Development Plan, the determination shall be made in accordance with the Plan unless material considerations indicate otherwise.”

- 4.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:-

“(1) In the exercise, with respect to any buildings or other land in a Conservation Area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

(2) The provisions referred to in subsection (1) are the Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953 and Sections 70 and 73 of the Leasehold Reform, Housing and Urban Development Act 1993.”

5.0 RELEVANT COUNCIL POLICIES

- 5.1 The Unitary Development Plan was adopted on 28th August 1995, and is the Statutory Plan for the Royal Borough. The relevant policies are in the “Conservation and Development” Chapter and the appeal proposal contravenes the following policies.

5.2 Policy CD21 is:-

“To protect and enhance and to resist the loss of existing public and private open space which makes, or is capable of making, a contribution to an area’s character or appearance and to resist proposals which would adversely affect its setting.”

5.3 Policy CD25 is:-

“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 and bulk and character of the surroundings”.

5.4 Policy CD44 is:-

“To permit alterations only where the external appearance of buildings or the surrounding area would not be harmed.”

5.5 Policy CD52 is:-

“To ensure that any development in a Conservation Area preserves or enhances the character or appearance of the area.”

5.6 Policy CD53 is:-

“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.”

5.7 There is a Conservation Area Proposals Statement for the Kensington Palace Conservation Area. It was published in 1997 and on page 31 it states:-

“Kensington Church Street, together with small groups of shops on side roads closely associated with it, has a distinct character which deserves some individual analysis. In the Council’s opinion, its shopfronts make a significant contribution to the character or

appearance of Kensington Palace Conservation Area. The preservation of this character and where possible its enhancement will be assisted by general recognition of those features which together establish the Area's special identity."

6.0 APPLICATION OF THE COUNCIL'S POLICIES

- 6.1 The main considerations with regard to the front extension are the extent of the extension, its detail and its effect on public access across the paved area in front of the present shop. Further, an important consideration is the effect of the proposal on the character and appearance of the Conservation Area. With regard to the rear extension, this is all considered to be acceptable, and is to the same detail as the scheme approved under reference TP/98/2077.
- 6.2 There was a single storey extension at the front of the property which was demolished in the 1960's for road widening.
- 6.3 The proposed extension would extend 2.8 metres from the front of the existing shop, and would have a timber stall-riser and shop windows to its west and south facing elevations and a door set at the corner on a diagonal. It would have a flat roof. The detailed design of the extension is considered to be acceptable with the exception that there is a step at the entrance. This could be overcome by use of a portable ramp.
- 6.4 The continuous line of shop premises on the east side of Kensington Church Street, of which No.64 is the last, albeit separated by Melon Place, has a constant building line around the curve of Kensington Church Street. It is considered that the smaller scale extension which has already been permitted (TP/98/1205), would not compromise the appearance of this line of shops to an unacceptable degree since it is limited in extent to only 1.6 metres from the building. This projection was arrived at as a result of negotiations with the Council officers, as the original submission proposed a projection identical to this appeal case.
- 6.5 Therefore, by a matter of degree, it is considered that with the greater depth of extension now proposed, the front addition to the shop would appear more prominent and obtrusive. It would represent a bulky forward projection, extending to an unacceptable degree from the front wall of this period property. The currently comfortable, generous pavement width would be greatly reduced. For all these reasons, it is considered that it would not preserve the character and appearance of this part of the Conservation Area, contrary to Policies CD21, CD52 and CD53.
- 6.6 Further, it is considered that it would increase the enclosure of the garden of No.16 Vicarage Gardens to the detriment of the amenities enjoyed by the occupier of No.16 since the depth of the extension is increased from 1.6 metres to 2.8 metres.

6.7 The paved area at the front of No.64 is a public highway and is maintained at public expense. No.16 Vicarage Gardens has gates and the occupier parks cars in its rear garden, with access over this part of the highway. It is considered that the further extension of No.64 forwards would increase potential conflict between pedestrians and vehicles egressing No.16 Vicarage Gardens, and as such would be unwelcome in road safety terms.

6.8 Overall, it is considered that while the rear extension is acceptable, the front extension, by virtue of its projection from the building, making it a more prominent and obtrusive development than that which has already been approved, by a matter of degree is considered to be unacceptable and would not preserve the character or appearance of the Conservation Area.

7.0 COMMENTS ON THE APPELLANT'S STATEMENT

7.1 The appellants have stated that they do not consider that the proposed front extension would be obtrusive or prominent, or would disrupt the building line and appearance of the existing shops.

7.2 Although broken by Melon Place, the existing building line of the shops in Kensington Church Street progresses in a smooth curve from 48-64 Kensington Church Street. While the small extension of only 1.6 metres deep, which has been approved was considered to be acceptable, a deeper extension would be much more prominent when viewed from the south. Its greater projection would inevitably make it more obtrusive than a smaller extension and it would unbalance the front elevation of this 19th Century property, as well as reduce to an unwelcome degree the existing generous pavement width.

7.3 It is considered that because of the projection of the extension and its effect on the appearance of the line of shops, the extension would not preserve the character or appearance of the Conservation Area.

7.4 While the detail of the front elevation of the extension is considered to be acceptable, its depth would form an additional enclosure to the garden behind and would also increase the potential for conflict with the access to No.16 Vicarage Gardens both of which would be unacceptable. As such, it is considered that a refusal of planning permission is justified.

8.0 CONCLUSION

8.1 The Inspector's attention is drawn to Section 54A of the Town and Country Planning Act 1990, and to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.2 By virtue of its bulk and projection from the front of the building, it is considered that the extension would constitute a prominent and obtrusive structure, which would add to the enclosure of the adjacent garden and conflict with access to the neighbouring property, to the detriment of the character and

appearance of the Conservation Area and levels of amenity enjoyed by neighbouring occupiers, contrary to the Council's policies as set out above.

- 8.3 It is not considered that there are any material considerations which would justify a grant of planning permission.
- 8.4 The Inspector is respectfully requested to dismiss this appeal.
- 8.5 If the Inspector is minded to grant planning permission, the following conditions are recommended:-
- (1) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
 - (2) The shopfront windows and pilasters shall be constructed in timber and shall be so maintained.
 - (3) The roof of the extensions to the building shall not be used at any time as terraces without the prior approval in writing of the local planning authority.
 - (4) A sample of the new brickwork for the rear extension shall be submitted to and approved in writing by the Executive Director of Planning and Conservation prior to the commencement of works on site, and the extension shall only be constructed in brickwork as so approved.
 - (5) Details of the materials and finishes for the glazed rooflight to the rear extension, to include details of blinds to be used to screen the rooflight when lit to avoid glare to surrounding properties, shall be submitted to and approved in writing by the Executive Director of Planning and Conservation prior to the commencement of works on site.
 - (6) No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Executive Director of Planning and Conservation. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified body acceptable to the Executive Director of Planning and Conservation.
 - (7) No works shall be implemented in respect of the front extension unless and until the public highway directly affected thereby has been stopped up.

Reasons for the imposition of conditions

- (1) As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions.

- (2) To ensure a satisfactory standard of external appearance.
- (3) To protect the privacy and amenities of neighbouring properties.
- (4)&
- (5) To ensure a satisfactory standard of external appearance.
- (6) In order to protect the archaeological interest of the site.
- (7) To prevent obstructions of the public highway.

PLANNING AND CONSERVATION

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS
Director of Planning Services



Colwyn Foulkes & Partners,
229 Kensington High Street,
London, W8 6SA

Switchboard: 0171-937 5464

Direct Line: 0171-361 3264

Facsimile: 0171-361 3463

25 SEP 1998

KENSINGTON
AND CHELSEA

My reference:

Your reference:

Please ask for:

L/243
DPS/PA/TP/98/1205/K/35/2138

Central Area Team

FILE COPY

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Permission for development (Conditional) (TP6a)

The Borough Council hereby permit the development referred to in the under-mentioned Schedule, subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Erection of an extension at front of shop and rebuilding rear extension at ground floor level, at 64/64A KENSINGTON CHURCH STREET, KENSINGTON, W.8, as shown on submitted drawing(s) No(s). TP/98/1205 and TP/98/1205/A, Applicant's drawing(s) No(s). L-243/L(0)23, L-243/L(0)30, L-243/L(0)31, L-243/L(0)32 and L-243/L(0)33, in accordance with your application dated 22/06/98, completed 25/06/98, revised 27/08/98.

/ CONDITIONS ...

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)

Shall be c68 see report
The garage accommodation hereby permitted shall be available at all times for car parking and shall not be adapted for living, commercial or other purposes. (C.28)

3. The shopfront windows and pilasters to the shop shall be constructed in painted timber and so maintained.
4. A plan or section along the line of the rear extension shall be submitted showing the projection of the pilaster indicated on drawing No. L-243L(0)31, and this shall be agreed in writing by the Executive Director, Planning and Conservation before work commences on site.
5. Samples of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation prior to the commencement of works on site:
 - (a) the new brickwork for the rebuilt extension;
 - (b) the roofing material of the new extension.
6. The roof of the extension hereby permitted shall not be used at any time as a terrace without the prior approval in writing of the local planning authority. (C.80)
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with the written scheme for investigation which has been submitted by the applicant and approved by the local planning authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
2. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
3. To ensure a satisfactory standard of external appearance. (R.71)
4. To ensure a satisfactory standard of external appearance. (R.71)
5. To ensure a satisfactory standard of external appearance. (R.71)
- /6. To protect the privacy ...

TP/98/1205 : 3

6. To protect the privacy and amenities of neighbouring properties. (R.79)
7. In order to protect the archaeological interest of the site.

INFORMATIVES

1. This property is within a Conservation Area. Building works should therefore be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out you should consult the Directorate of Planning Services. (I.11)
2. Separate consent for the works hereby given approval under the Planning Acts may be required by the Building Act 1984 and the Building Regulations 1991, and this approval does not imply that such consent will be given. The Director of Building Control, Council Offices, 102-108 Warwick Road, London, W14 8PT should be consulted before works commence. (I.21)
3. Demolition and building works are subject to the Environmental Protection Act, and appropriate controls over methods, noise and hours or work may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 102-108 Warwick Road, W14 8PT at an early stage. (I.30)
4. The development of this site is likely to impact upon archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

Yours faithfully,



Executive Director, Planning & Conservation

APPROVED BY
THE COUNCIL ON

23 SEP 1998

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING SERVICES COMMITTEE

23/09/98

APPLICATION NO.

AGENDA ITEM

TP/98/1205/K/35

2138

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

Application dated 22/06/98

Revised 27/08/98

Completed 24/06/98

Polling Ward IA31

**RECOMMENDATION
ADOPTED.**

Colwyn Foulks & Partners,
229 Kensington High Street,
London, W8 5SA

ON BEHALF OF : Mr. A. Harrington,
INTEREST : Owner of shop

District Plan Proposals Map:

Cons.Area	CAPS	Article 4 Direction	Listed Building	HBMC Direction	A/O Consulted	Objectors (to date)
7	YES	NO	NO	NO	10	5

RECOMMENDED DECISION :-

GRANT planning permission for the erection of an extension at the front of the shop and rebuilding the rear extension at ground floor level.

At: 64/64A KENSINGTON CHURCH STREET, KENSINGTON, W.8

As shown on submitted drawing(s) No(s): TP/98/1205 and TP/98/1205/A

Applicant's drawing(s) No(s) : L-243/L(0)23, 30, 31, 32, 33

CONDITIONS

1. C.1 2. C.68
3. The shopfront windows and pilasters to the shop shall be constructed in painted timber and so maintained.
4. A plan or section along the line of the rear extension shall be submitted showing the projection of the pilaster indicated by the Executive Director, Planning and Conservation, on drawing No. L-243/L(0)31, and this shall be agreed in writing by the Executive Director, Planning & Conservation before work commences on site.
5. Samples of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation, prior to the commencement of works on site:
 - (a) the new brickwork for the rebuilt extension;
 - (b) the roofing material of the new extension;
6. C.80

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the local planning authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. R.1 2. R.68 3-5. R.71 6. R.79
7. In order to protect the archaeological interest of the site.

INFORMATIVES

1. I.11 2. I.21 3. I.30
4. The development of this site is likely to impact upon archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

1.0 Site

- 1.1 No. 64/64A Kensington Church Street is located on the East side of the street, between Melon Place and Vicarage Gardens. The property stands alone, fronting Kensington Church Street and backing onto the side of the properties in Melon Place.
- 1.2 The property comprises a ground floor retail unit and two upper residential floors.
- 1.3 ~~The property is within the Kensington Palace Conservation Area. It is not a Listed Building.~~

2.0 The Proposal

- 2.1 Planning permission is sought for the erection of an extension to the front of the shop at ground floor level and rebuilding of the existing extension at the rear of the property to include a mezzanine floor, with a rooflight over the rebuilt extension.

3.0 Planning History

- 3.1 Planning permission was granted on 23rd December 1964 for the installation of a new shopfront and erection of a rear extension.
- 3.2 Planning permission was granted on 7th November 1997 for the rebuilding of the flank elevations of the building.

4.0 Planning Considerations

- 4.1 The main considerations with regard to the rear extension are the detail of the extension and its effect on levels of amenity enjoyed by the occupiers of properties to the East and North. With regard to the front extension, the main considerations are the detail of the proposal and its effect on public access across the paved area in front of the present shop. With regard to both elements of the proposal, the effect of the scheme on the character and appearance of the Conservation Area is an important consideration.
- 4.2 The relevant policies are included in the "Conservation and Development" Chapter of the Unitary Development Plan, in particular Policies CD25, CD28, CD44, CD52 and CD53.
- 4.3 ~~At present, the property has a rear extension which covers the whole of the plot to the rear of the main part of 64/64A, and abuts No. 5 Melon Place and 15 Vicarage Gardens.~~

- 4.4 It is proposed to rebuild this on the same footprint in reclaimed second hand brickwork with a brick on edge parapet. The extension would have a shallow pitched roof with Conservation style rooflights set flush with the plane of the terne-coated steel roof. The detail of this extension is considered acceptable and it is considered that it would preserve the character and appearance of the Conservation Area in compliance with the aims of Policies CD52 and CD53.
- 4.5 There would be no increase in the height of the extension on the parapets to Melon Place, nor to Vicarage Gardens. The pitched roof is set in the centre of the extension parallel with Melon Place, and its highest point is 2.5 metres away from the Vicarage Gardens boundary and only 0.5 metres above the parapet height. It is considered that there would be no significant increase in enclosure to any of the surrounding properties as a result of the rebuilt extension. As such, it is considered that the proposal would comply with the aims of Policy CD28.
- 4.6 With regard to the front extension, this would replace a forward extension to the shop which was single storey and was demolished for road widening in the early 1960's. The extension would project 1.6 metres from the present front of the shop, with a display window fronting onto Kensington Church Street with a door set at angle. The extension would have a flat roof. The shopfront would be constructed in timber with traditional detail and signwriting.
- 4.7 The detail and projection of the front extension is considered acceptable, and it is considered that it would preserve the character and appearance of the Conservation Area.
- 4.8 With regard to public access, the forward projection of the extension is 1.6 metres. It is considered that since the remaining area of paving exceeds 6 metres at this point, the extension would not result in any impediment to pedestrian movement. In any event, the extension replaces a much larger one which was removed in the past for a road-widening scheme which did not take place.
- 4.9 The Transportation Officer has confirmed that the status of the paved area is still under discussion. It provides pedestrian access to No. 64. It is considered that providing any conflict between the extension and any crossover to No. 16 is minimised, no objection is raised to this proposal.
- 4.10 The increase in height of 1.7 metres for a distance of 1.6 metres forward of the existing shop will slightly further enclose the garden of No. 16 Vicarage Gardens. However, it is not considered that this would have a significant effect on levels of amenity presently enjoyed since the bottom of the garden is over 8 metres from the nearest point of the houses (Part of this width is occupied by a garden shed at the end of No. 16's garden).

- 4.10 With regard to disabled access, the door width exceeds 0.8m and the entrance will be level, which is considered acceptable.

5.0 Consultation

- 5.1 Occupiers of ten neighbouring properties in Kensington Church Street, Vicarage Gardens and Melon Place have been notified of the proposal.

- 5.2 To date, five letters raising objection to the proposal have been received, two each from Nos. 15 and 16 Vicarage Gardens and one from 5 Melon Place.

- 5.3 Concern is raised by the occupier of 5 Melon Place that the drainage for Nos. 5 and 6 runs under 64/64A Kensington Church Street.

The architects have indicated that if this proves to be the case following a more detailed survey, the clients would incorporate a newly constructed chamber to maintain the drainage.

- 5.4 Concern is also raised that the extension would interfere with an access gate to No. 16 Vicarage Gardens. This gate is located at a distance of 2m from the front of the proposed extension. There is also a pedestrian gate approximately 1.5m high recently constructed under permitted development. Since No. 16 already has a pair of gates, it is considered that the blocking of this new gateway would not result in any significant loss of amenity and does not present a planning objection. It would remain to be dealt with as a private matter between the parties concerned.

- 5.5 Concern is raised that an awning has been erected at the front of No. 64.

This was not evident, nor any sign of the fixings, when the case officer revisited the site.

- 5.6 The occupiers of No. 15 Vicarage Gardens have commented that the proposed rear extension would result in loss of privacy in their garden.

It is not intended to use the roof of the extension as a terrace, and a condition is recommended that it should not be so used. The pitch of the roof is very shallow, and the rooflights would not allow overlooking to take place.

- 5.7 Concern is raised by the occupiers of No. 16 Vicarage Gardens that the extension would result in obstruction to the gates which open onto the paved area in front of No. 64.

The nearest part of the gates is approximately 2 metres from the front of the extension and if any vehicular access is required, it is considered that the extension would not obstruct it. It is noted that there was a recent planning application for use of the gates for vehicular access. It is not considered necessary to delay determination of the present application for

No. 64 in order to resolve the outstanding issues with regard to the access to No. 16, since the extension would not obstruct passage from the gates if such is permitted as a result of the ongoing negotiations. The planning application for No. 16 has been withdrawn since it was to remove a condition which has been found to be ultra vires. Legal discussions are ongoing about the status of the paved area at the front of No. 64 and rear of No. 16 Vicarage Gardens.

6.0 Recommendation

6.1 Grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of the file number TP/98/1205 referred to at the head of this report save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

Officer Contact

The above documents can be inspected by prior appointment with Tracey Rust in the Planning Information Office, Room 325, The Town Hall, Telephone 0171-361-2080.

REPORT PREPARED BY: ALS
REPORT APPROVED BY: DT/LAWJ
DATE REPORT APPROVED: 14/09/98

PSC9809/ALS.REP

① Ack ② ACS

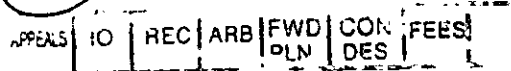
5 Melon Place
London W8 4DE

25th November, 1998

M.J French Esq.
Executive Director, Planning and Conservation
The Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX



50
26 NOV 1998



Dear Sir,

64-64A Kensington Church Street – Your ref DPS/DCC/ALS/TP/98/2077

I am in receipt of your two letters dated the 16th November, inviting comment on the applications to amend the previously granted planning approval.

I would record that I object most strongly to both applications.

1. With regard to the proposal to increase the area of the front extension, I believe this would be a gross overdevelopment of the site and would seriously spoil the environment and shop frontages in this part of Kensington Church Street.

I am informed by the Architect that the increased area of the front extension "will serve to discourage illegal pavement parking and prevent the build up of rubbish which currently occurs".

I have lived in Melon Place, directly next to the site, for the last 11 years and I can assure you that the only illegal parking which has taken place in this time has been by builders working for the current owner of No. 64.

In addition, I can assure you there is no build up of rubbish in this area and there never has been.

2. With regard to the rear extension I was shown the original elevation drawings prepared by the Architect for the scheme granted planning approval. I had no objection to the scheme as it showed a very low pitched roof which did not unduly affect sight lines and did not impinge on the environment.

The revised proposal with a very high ridge line and very steep pitch is quite unacceptable and, in my view, merely serves to increase the volume within the proposed extension.

I am informed by the Architect that the "slight" increase in roof pitch "will serve to discourage access to what is presently a roof terrace".

- (a) I object to and disagree with the term "slight".
- (b) The roof is not currently a terrace and has no access to it for such use.
- (c) As the only possible user for such a roof terrace is the current owner, why should he require discouraging. Surely he could exercise a little self control.



2

The Royal Borough of Kensington and Chelsea

25th November, 1998

I would point out that this is the second time that the owner of 64 Kensington Church Street has submitted a planning application and obtained approval for a scheme which he had no intention of building.

A planning application for which permission was granted was submitted in September 1997 for rebuilding of the flank walls. This application was amended under delegated powers to allow amendment of the side and rear fenestration.

I had severe concerns and objections to both the original application and the amendment as set out in my letters dated the 25th September, 20th October and 16th December 1997. I do not believe my objections were seriously considered despite your letter of the 4th February 1998.

If you will refer to my December letter you will note that I pointed out that the amendment was made to enable better use of the upper floors as office and storage space as opposed to their proper residential designation. I can assure you that I have been proved right in this but no action has been taken by the Council.

With regard to the latest application, I wrote to you on the 10th August, 1998 with specific queries on the scheme. I would point out that I received no reply to this letter and again I do not believe that my concerns were properly addressed.

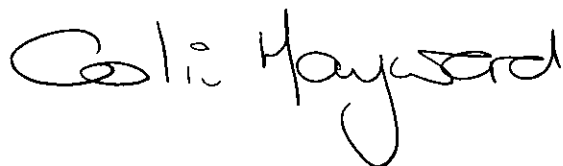
In completion, I believe that the current owner of 64 Kensington Church Street is taking advantage of and abusing the planning system and is intent on completely changing the character of the property to the detriment of the area.

I therefore strongly object to the revised applications and believe that the permissions required should not be allowed.

Whilst writing, I would ask if an affected party can lodge an appeal against a planning approval which they feel has not been properly considered and if so what is the procedure.

I look forward to a prompt response.

Yours sincerely,

A handwritten signature in black ink that reads "Colin Hayward". The signature is written in a cursive style with a large, looped 'C' at the beginning and a long, sweeping tail for the 'y'.

Colin Hayward

① Arch
② ACS

5 Melon Place
London W8 4DE

1st December, 1998

M.J. French Esq.
Executive Director, Planning and Conservation
The Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

Dear Sir,

64-64A Kensington Church Street
Your Ref DPS/DCC/ALS/TP/98/2077 and 2078

I refer to my letter dated the 25th November regarding these two planning applications. Please note that my earlier letter should have been referenced 2077 and 2078.

I have now had the opportunity to further consider the revised plan and would point out that if approved, the current owner of this property will have successfully doubled the size of the shop unit, doubled the size of the rear store/office and changed the use of the 1st/2nd floor residential unit.

This will have been done by stealth and will have been passed unchallenged by your department.

Having for years worked as a Surveyor within Kensington and Chelsea, I have heard many Planners object to overdevelopment of sites. If the current plans for 64-64A Kensington Church Street do not represent overdevelopment, I fail to understand what does.

Yours faithfully,

Colin Hayward

RECEIVED BY PLANNING SERVICES							
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① PC+LB
② ALS for reply

✓ CM
4-12

5 Melon Place
London W8 4DE

3rd December, 1998

9374080

M.J. French Esq.
Executive Director, Planning and Conservation
The Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Hornton Street
London W8 7NX

~~Phone him
after SU
to explain
progress~~
rang
8/12

Dear Sir,

64-64A Kensington Church Street – Your Ref DPS/DCC/ALS/TP/98/2077 and 2078

Thank you for your letter dated the 26th November 1998 received at this address on the 1st December 1998 and specifically referring to application suffixed 2077.

It seems strange that your letter states that my views will be considered very carefully when deciding the application, yet on the day that the letter was received I am informed by your Planning Officer that you have already decided to recommend the application.

||| Obviously my views are not to be considered at all and I would therefore welcome an early response to the penultimate paragraph of my letter dated the 25th November.

Yours faithfully,

Brenda Miller

pp Colin Hayward FRICS

RECEIVED BY PLANNING SERVICES							
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PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Colin Hayward
5 Melon Place
Kensington
London W8

Switchboard: 0171-937-5464

Direct Line: 0171-361-

Extension: 2085

Facsimilie: 0171-361-3463

Date: 27/11/1998

My Reference: PP/98/02077/ALS

Planning Information Office

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Proposed development at: 64-64A Kensington Church Street, W.8

Thank you for your recent letter giving your comments on the application recently submitted to the Council relating to the above address. The Council's Planning Services Committee will consider your views very carefully when deciding this application.

You will appreciate that in some cases the Committee is not in a position to make an immediate decision. However, I shall notify you of that decision as soon as possible after it is reached.

If you would like any information about the progress of the application please do not hesitate to contact the Planning Information Office.

Yours faithfully,

M. J. French
Executive Director, Planning and Conservation



TRANSPORTATION - SUGGESTED AMENDMENTS

DATE - 13 AUGUST 1999

- Para 6.6, first sentence should read *'The paved area at the front of No.64 is public highway, and is maintained at public expense.'*
- Para 6.6 should read *'would increase the potential for conflict between pedestrians and vehicles accessing or egressing No 16 Vicarage Gardens, and as such would be unwelcome in road safety terms'*
- Please also find attached a copy of a recent report which was presented to, and agreed by, the Highways and Traffic committee. The report concerns vehicular access to the rear of no.16 Vicarage Gardens. You may wish to bring this report to the inspectors attention.
- You may also wish to consult with the Borough Valuer to ascertain whether or not any of the land has yet been sold.

To read
Reg Susan
Murray
and type
info
I phoned 1318.
He's gone quiet re
purchase pending
appeal

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

**THE ROYAL
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Town Planning Consultancy Ltd.
Irwin House
118 Southwark Street
London SE1 0SW

Switchboard: 0171-937-5464
Direct Line: 0171-361-2085
Extension: 2085
Facsimile: 0171-361-3463



**KENSINGTON
AND CHELSEA**

Date: 6 August 1999

My Ref: DPS/DCC/TP/98/02078/ALS

DETR's Reference: App/K5600/APP/A/99/1026251

Please ask for: A. Salmon

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 64-64A KENSINGTON CHURCH STREET, KENSINGTON, W.8

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.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Department of the Environment
Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Switchboard: 0171-937-5464

Direct Line: 0171-361-2085

Extension: 2085

Facsimile: 0171-361-3463

Date: 6 August 1999

My Ref: DPS/DCC/TP/98/02078/ALS

DETR's Reference: App/K5600/APP/A/99/1026251

Please ask for: Mrs. P. Abdelrahman

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 64-64A KENSINGTON CHURCH STREET, KENSINGTON, W.8

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.

APPEAL QUESTIONNAIRE (Revised October 1997)

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT APPEAL

APPEAL REF: APP/ KS600/A/99/1026251

APPEAL BY: Mr. Adrian Harrington GRID REF: _____

SITE: 64-64A Kensington Church Sq. W8

PLEASE SEND THE COMPLETED QUESTIONNAIRE (TOGETHER WITH ANY ENCLOSURES) TO THE INSPECTORATE AND TO THE APPELLANT OR AGENT WITHIN 14 DAYS OF THE DATE YOU RECEIVED THE APPEAL FORM.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to the Inspectorate within 28 days of the date you received the appeal form.

<p>1. Does the Council agree to the written representations procedure ? OR Does the Council wish to appear before and be heard by an inspector at: a. a local inquiry? b. a hearing?</p>	<p><input checked="" type="radio"/> YES / <input type="radio"/> NO YES <input type="radio"/> NO YES <input type="radio"/> NO</p>
<p>2 a. If the written procedure is agreed, could the inspector see the site clearly from a road or other public land? b. From your knowledge of the issues, would the inspector need to enter the site for any reason eg to view/measure any dimensions from within it?</p>	<p><input checked="" type="radio"/> YES / <input type="radio"/> NO YES <input type="radio"/> NO</p>
<p>3. Does the appeal relate to an application for approval of reserved matters?</p>	<p>YES / <input checked="" type="radio"/> NO</p>
<p>4. Was an Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application?</p>	<p><input checked="" type="radio"/> YES / <input type="radio"/> NO / <input type="radio"/> NA</p>
<p>5. Was it necessary for the Council to advertise the proposals under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990?</p>	<p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p>
<p>6. Is the appeal site within an approved Green Belt or AONB? Please specify which</p>	<p><input type="radio"/> YES / <input checked="" type="radio"/> NO</p>
<p>7. Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? (If YES, attach details).</p>	<p>YES / <input checked="" type="radio"/> NO</p>
<p>8 a. Are there any other appeals or matters relating to the same site or neighbourhood still before the Secretary of State? If YES, please attach details and, where necessary, give the Department's reference numbers.</p>	<p>YES <input type="radio"/> <input checked="" type="radio"/> NO</p>
<p>b. Where the development would affect a public right of way, please provide an extract from the Definitive Map and Statement for the area, and any other details.</p>	<p>YES <input type="radio"/> <input checked="" type="radio"/> NO</p>
<p>9. Is the site within a Conservation Area? If YES, please attach a plan of the Conservation Area. (If NO, go to Q11.)</p>	<p><input checked="" type="radio"/> YES / <input type="radio"/> NO</p>
<p>10. Does the appeal relate to an application for conservation area consent?</p>	<p>YES <input type="radio"/> <input checked="" type="radio"/> NO</p>
<p>11 a. Does the proposed development involve the demolition, alteration or extension of a Grade I/II*/II listed building? (Delete as appropriate)</p>	<p>YES / <input checked="" type="radio"/> NO</p>
<p>b. Would the proposed development affect the setting of a listed building ? If the answer to questions 11 a or b is YES, please attach a copy of the relevant listing description from the list of Buildings of Special Architectural or Historic Interest. (If NO, go to Q13)</p>	<p>YES <input type="radio"/> <input checked="" type="radio"/> NO</p>
<p>12. Has a grant been made under sections 3A or 4 of the Historic Buildings and Ancient Monuments Act 1953?</p>	<p>YES / <input checked="" type="radio"/> NO</p>
<p>13. Would the proposals affect an Ancient Monument (whether scheduled or not)?</p>	<p>YES <input type="radio"/> <input checked="" type="radio"/> NO</p>
<p>14 a. Is the appeal site in or adjacent to or likely to affect an SSSI? If so, please attach the comments of English Nature.</p>	<p>YES <input type="radio"/> <input checked="" type="radio"/> NO</p>
<p>b. Are any protected species likely to be affected by the proposals? If so, please attach details.</p>	<p>YES / <input checked="" type="radio"/> NO</p>

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

- | | | the number
of documents
enclosed | not
applicable |
|----|--|--|-------------------------------------|
| a) | any comments of directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDO; <i>— English Heritage</i> | 1 <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | any representations received as a result of an Article 7 (or Regulation 6) notice: <i>— see 15(d)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) | a copy of any notice published under Section 67 and/or Section 73 of the Planning (listed Buildings and Conservation Areas) Act 1990 and / or Regulation 5: | 2 <input type="checkbox"/> | <input type="checkbox"/> |
| d) | any representations received as a result of a notice published under Section 67 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5); | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) | details of any other applications or matters currently before the Council relating to the same site; | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | in the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision; | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | a list of any conditions or limitations the Council would favour if the appeal were to be allowed. If no conditions are included we will assume that none are required; <i>— to follow with statement</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| h) | any other relevant information or correspondence the Council consider the Inspectorate should be aware of. <i>— to follow with statement</i> | <input type="checkbox"/> | <input type="checkbox"/> |

FOR APPEALS BEING DECIDED BY THE WRITTEN REPRESENTATIONS PROCEDURE

- | | | | |
|-----|--|---|-------------------------------------|
| 16. | a) Please confirm that, in accordance with Regulation 5 (1), you have notified details of the appeal to authorities and other persons who made representations to you about the application. | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| | b) What date did you give those notified at 16a for the submission of their representations? | <i>6-8-99</i> | |
| | c) Copies of the following documents must, if appropriate, be enclosed with this questionnaire. | the number
of documents
closed | not
applicable |
| | i) representations received from interested parties about the original application: | 2 <input type="checkbox"/> | <input type="checkbox"/> |
| | ii) the planning officer's report to committee; | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | iii) any relevant committee minute. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 17. | Relevant plans and policies; <i>Chapters 1, 2 and 3,4 of U.D.P.</i>
Please enclose extracts of relevant policies and plans and explanations of these. Each extract should include the front page, showing the title of the plan and date of approval or adoption. Where plans and policies have not been approved or adopted, the stage and status of the plan should be given. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

18. Do the documents listed above comprise the Council's full statement of case? YES NO

Council's reference: *19/98/2078*

I certify that a copy of this appeal questionnaire and any enclosures have today been sent to the appellant or agent

Signature *Adams* on behalf of *CBK&C* Council

Date of despatch *6/8/99*

NB: Please alert the Inspectorate to any changes in circumstances occurring after the return of this questionnaire.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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

The Occupier
1 file copy
file copy
file copy

Switchboard: 0171-937-5464
Direct Line: 0171-361-2085
Extension: 2085
Facsimilie: 0171-361-3463



**KENSINGTON
AND CHELSEA**

Date: 6 August 1999

My Ref: DPS/DCC/TP/98/02078

DETR's Reference: App/K5600/APP/A/99/1026251 Please ask for: Ms.A. Salmon

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

**Notice of a Planning Appeal relating to: 64-64A KENSINGTON CHURCH STREET,
KENSINGTON,W.8**

A planning appeal has been made in respect of the above property and the proposal referred to on the attached notice. This notice sets out the reasons put forward by the Council for refusing planning permission and I attach also the Appellant's grounds of appeal.

The Council and the Appellant have agreed that this appeal should proceed by way of **WRITTEN REPRESENTATIONS** and I therefore afford you the opportunity to make your views known to the Secretary of State. Any representations that you may wish to make should be sent to:

**The Planning Inspectorate
(Room 1003) Tollgate House
Houlton Street
Bristol BS2 9DJ**

You should quote the DETR's Reference number above and send your letters no later than **4 weeks** from the date of this letter. It would also be helpful if two copies could be provided. You are asked to note that a copy of the Inspector's decision letter on the appeal will only be forwarded to those who request one.

As the Secretary of State can only take representations into account if they are made known, by him, to all the parties including the Appellant, it will be assumed that you are willing for a copy of any representations which you make to be supplied to any other interested party.

If you have any further enquiries, please do not hesitate to contact the case officer on the above extension.

Yours faithfully,

M. J. FRENCH

Executive Director, Planning and Conservation

NOTICE OF A PLANNING APPEAL

Reasons for Refusal

The front extension, by virtue of its projection from the front of the building, would constitute a prominent and obtrusive structure which would detract from the appearance of the building and by a matter of degree would depart from and disrupt the building line of the existing shops. As such, it would fail to preserve the character and appearance of the Conservation Area, contrary to the Council's policies as set out in the Unitary Development Plan, in particular, Policies CD25, CD44, CD52 and CD53.

Property

64-64A KENSINGTON CHURCH STREET, KENSINGTON, W.8

Proposal

The erection of a front extension at ground floor level.

Plans and drawings are/are not available for inspection.

(If plans are available, these may be seen in the Planning Information Office between the hours of 9.15 a.m and 4.30 p.m Mondays to Thursdays and between 9.15 a.m and 4.00 p.m on Fridays)

G. GROUNDS OF APPEAL If the written procedure is requested, the appellant's FULL STATEMENT OF CASE MUST be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

1. The front extension would not constitute a prominent and obtrusive structure which would detract from the appearance of the building and by a matter of degree would not depart from or disrupt the building line and appearance of the existing shops.
2. The application is not contrary to policies CD25, CD44, CD52 and CD53 of the Unitary Development Plan and hence would preserve the character and appearance of the conservation area.
3. The application would constitute a façade consistent with the design of the previous shop front.
4. The appellant reserves the right to add to or amend the grounds of appeal.

APPEAL NOTIFICATIONS

REFERENCE NUMBER:

SITE ADDRESS: 64164A Kensington Church St.
W8

PLEASE TICK RELEVANT BOXES AND RETURN SAME DAY TO:

APPEAL REGISTRATION OFFICER

AREA ADMIN. OFFICER

WARD COUNCELLORS

- I. Cllr Buchmaster
- II. ~~Cllr Cook~~
- III. ~~Cllr May~~

KENSINGTON SOCIETY

CHELSEA SOCIETY

LOCAL AMENITY SOCIETIES. PLEASE SPECIFY

I.

II.

III.

ALL THOSE ORIGINALLY NOTIFIED

ALL OBJECTORS/SUPPORTERS

OTHERS; PLEASE SPECIFY

NEW APPEAL

DATE: 27.7.99

TO: ROY THOMPSON

/

DEREK TAYLOR

PAUL KELSEY

/

BRUCE COEY

A NEW APPEAL HAS BEEN RECEIVED, WHICH FALLS IN YOUR AREA. THE SITE ADDRESS IS:

64-64A. Kens Church St. W8

THE APPEAL FILES ARE ATTACHED

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

ALS

2. PLEASE INDICATE THE PROCEDURE BY WHICH YOU WISH THE APPEAL TO BE DETERMINED:

◆ WRITTEN REPRESENTATIONS

◆ HEARING

◆ PUBLIC INQUIRY

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

THANK YOU



The Planning Inspectorate

ALS

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

Direct Line 0117-9878930
Switchboard 0117-9878000
Fax No 0117-9878443
GTN 1374-8930

Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
Department 705
The Town Hall
Hornton Street
LONDON W8

Your Ref:
TP/98/02078/K/51/43

Our Ref:
APP/K5600/A/99/1026251

RECEIVED BY PLANNING SERVICE

29 JUL 1999
DIR HCC 17 C SW SE ENF AO ACK

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY MR A HARRINGTON
SITE AT 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON**

30 JUL 1999
APPLS IO REC ARB FWD CON FEES
PLN DES

I have received an appeal form and accompanying documents for this site. I am the case officer. I am checking the papers and if I need further information, or if for legal reasons the appeal is not acceptable, I will write again.

The appellant has chosen the written procedure. The date of this letter is the starting date for the appeal. Unless you tell me otherwise, I will assume that you do not wish to exercise your right to be heard.

As you know, if you agree to the written procedure, you are required to:

- ◆ **Within 5 working days** - notify interested persons who were required to be consulted on the original planning application, and all those who made representations at application stage, that an appeal has been made. You should tell interested persons that any comments they have on the appeal should be made in writing and sent directly to me within the next 28 days. Please also tell them that if they wish to receive a copy of the appeal decision letter, they must write to me asking for one.
- ◆ **Within the next 14 days** - send the appellant and me, a completed appeal questionnaire together with all the necessary enclosures.
- ◆ **Within the next 28 days** - send the appellant and me, any further statement you wish to make, if the questionnaire and supporting documents do not comprise your case. Please keep the statement concise as recommended in Appendix 1 of DOE circular 15/96.

We will arrange for our inspector to visit the appeal site and will send you details.

You should keep to the timetable set out above. Inspectors will not accept representations at the site visit, nor will they wait for representations. Having drawn your attention to the timetable, I will not send reminders to you or the appellant.

Please send any further correspondence to me, giving the full appeal reference number. If you have any questions, please contact me.

Yours faithfully

P. Gardin

sp Mr D Shorland
102

SITE VISIT DATES

We have improved the time taken to fix the date for a site visit. Most visits are now arranged within 8 to 12 weeks from the start of the appeal. Ministers are anxious that appeal decisions are issued quickly. You must comply with the timetable in the accompanying letter, and ensure your representations are with us on time. If the representations are late, the Inspector may proceed to issue a decision without considering them.

SECTION 106 AGREEMENTS

If you intend to rely on an obligation made under Section 106, we must receive a completed, signed and dated copy before the date of the site visit. We will

not delay the issue of the decision letter to wait for the completion of a Section 106 obligation.

118 Southwark Street
London SE1 0SW
Tel: 0171-928-1400
Fax: 0171-928-5631
Email: london@tpcltd.co.uk



**Town Planning
Consultancy**

Your Ref:

Our Ref: RB/kp/99227

Date: 21st July 1999

98/2078

The Director of Highways
The Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
LONDON W8 7NX

RECEIVED BY PLANNING SERVICES							
EX Dir	HDC	N	C	SW	SE	ENF	AO ACK
26 JUL 1999							
(148)							
J	IO	REC	ARB	FW PLI.	CUN DES	FEES	

Dear Sir,

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEAL BY MR. A HARRINGTON
64/64A KENSINGTON CHURCH STREET, LONDON, W8

Please find enclosed a notice giving details of an appeal which has today been lodged with the Planning Inspectorate following your Council's refusal of consent to my clients application. The proposal is for the erection of a ground floor front extension to the existing shop. Should you require any information concerning the appeal please do not hesitate to contact me.

Yours faithfully,

R Birtles
ROGER BIRTLES

Enc.

T. Banks

Also at: 199 Bath Street, Glasgow G2 2SZ **Tel:** 0141-248-8441 **Fax:** 0141-248-6121 **Email:** glasgow@tpcltd.co.uk
Park House, Greyfriars Road, Cardiff CF1 3UE **Tel:** 01222-668-662 **Fax:** 01222-668-622 **Email:** cardiff@tpcltd.co.uk
53 The Calls, Leeds LS2 7EY **Tel:** 0113-398-0800 **Fax:** 0113-398-0801 **Email:** leeds@tpcltd.co.uk

Directors:

Michael Woolner BA MRTPI, Jeremy Elsom BA DipLD MRTPI, John Rhodes BSc ARICS, Danny Simmonds BA DipUPI MRTPI, Roger Birtles BA BPI MRTPI, Brian Hill BSc DipTP MRTPI, Jane Gleeson BA BPI MRTPI, Nicholas Hollands BSc DipTP MRTPI, Gareth Roberts BA MRTPI, Mark Krassowski BA BSc ARICS, Tim Waring BA MRTPI, Graham Sharp BSc DipTP MRTPI, Karen McAllister BA MRTPI, Susan Ansbro BA MA MRTPI

Associates:

Philippa Cole BSc, Jeremy Castle BSc ARICS, Colin Pullan BA DipUD, David Moore BA MRTPI, Charlotte Swaine MA MRTPI, Becky Marshall BA BTP MRTPI
David Ward BA Dip TP MRTPI MIHBC

Town Planning Consultancy Limited. Registered office: 118 Southwark Street, London SE1 0SW. Registered in England No. 2258618

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

NOTICE UNDER ARTICLES 6 AND 9(1)

To be published in a newspaper or to be served on an owner (see (a) below) or a tenant (see (b) below)

Proposed development at (see (c) below) 64/64A KENSINGTON CHURCH STREET
LONDON, W8


I give notice that (see (d) below) MR. A. HARRINGTON
having applied to the (see (e) below) THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA Council

to (see (f) below) ERECTION OF A GROUND FLOOR FRONT EXTENSION TO EXISTING SHOP FRONT
is appealing to the Secretary of State for the Environment

* against the decision of the Council.

~~* on the failure of the Council to give notice of a decision.~~

Any owner of the land or tenant who wishes to make representations about this appeal should write to the Planning Inspectorate at Tollgate House, Houlton Street, Bristol, BS2 9DJ by (see (g) below) 23/8/99

Signed  * On behalf of MR. A. HARRINGTON

Date 21/7/99

*Delete where inappropriate

Statement of owners' rights

The grant of planning permission does not affect owners' rights to retain or dispose of their property, unless there is some provision to the contrary in an agreement or in a lease.

Statement of agricultural tenants' rights

The grant of planning permission for non-agricultural development may affect agricultural tenants' security of tenure.

NOTES FOR COMPLETION OF NOTICE UNDER ARTICLES 6 AND 9(1)

- (a) 'Owner' means a person having a freehold interest or a leasehold interest the unexpired term of which is not less than 7 years, or, in the case of development consisting of the winning and working of minerals, a person entitled to an interest in a mineral in the land (other than oil, gas, coal, gold or silver).
- (b) 'Tenant' means a tenant of an agricultural holding any part of which is comprised in the land.
- (c) Insert address or location of the proposed development.
- (d) Insert the appellant's name.
- (e) Insert the name of the Council.
- (f) Insert description of the proposed development.
- (g) The date giving a period of 21 days beginning with the date of service or 14 days beginning with the date of publication of the notice (as the case may be).

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

CERTIFICATES C AND D UNDER ARTICLE 7

CERTIFICATE C

I certify that:

- I/The appellant* cannot issue a Certificate A or B in respect of this appeal. I have/The appellant has* given the requisite notice to the persons specified below, being persons who on the day 21 days before the date of this appeal, were owners (see Note (i) of the Guidance Notes) of any part of the land to which the appeal relates.

Owner's name	Address at which notice was served	Date on which notice was served
--------------	------------------------------------	---------------------------------

- I have/The appellant has* taken all reasonable steps open to me/him/her* to find out the names and addresses of the other owners of the land, or of a part of it, but have/has* been unable to do so. These steps were as follows (see Note (ii) of Guidance Notes).....

.....
Notice of the appeal, a copy of which is enclosed, has been published in the (see Note (iii) of the Guidance Notes)..... on (see Note (iv) of Guidance Notes).....
.....

CERTIFICATE D

I certify that:

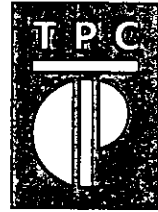
- I /The appellant* cannot issue a Certificate A in respect of this appeal. I/The appellant* have/has taken all reasonable steps open to me/him/her* to find out the names and addresses of everyone else who, on the day 21 days before the date of the appeal, was the owner (see Note (i) of the Guidance Notes) of any part of the land to which the appeal relates, but have/has* been unable to do so. These steps were as follows (see Note (ii) of Guidance Notes):.....

- Notice of the appeal, a copy of which is enclosed, has been published in the (see Note (iii) of the Guidance Notes)..... on (see Note (iv) of the Guidance Notes).....

Signed *On behalf of..... Date.....

*Delete as appropriate

118 Southwark Street
London SE1 0SW
Tel: 0171-928-1400
Fax: 0171-928-5631
Email: london@tpcltd.co.uk



**Town Planning
Consultancy**

Your Ref:
Our Ref: THB/99227
Date: 21 July 1999

The Planning Inspectorate
Appeals Registry
Tollgate House
Houlton Street
Bristol
BS2 9DJ

RECEIVED BY PLANNING SERVICE							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
22 JUL 1999							
APPLS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING APPEAL ON BEHALF OF MR. A. HARRINGTON
LAND AT 64/64A KENSINGTON CHURCH STREET, LONDON, W8

I am instructed by my client Mr. A. Harrington to lodge an appeal against the refusal of planning permission, by the Royal Borough of Kensington and Chelsea on the above property. This submission comprises:

- 1) Completed appeal form and Certificate A
- 2) Planning application form dated 28/10/98 and covering letter dated 29/10/99 including plan refs:

L(0)62 Details of Shop Front,
L(0)80 rev.A Plans,
L(0)81 rev.A Elevations and Section AA,
L(0)82 rev.A Section XX,
L(0)83
L(0)23
L(0)90
Photocopy of a photograph of the site dating from 1964.

- 3) Correspondence dated: 29/10/98, 2/11/98, 5/11/98, 1/12/98, 16/12/98, 4/1/99, 11/1/99, 12/1/99

Also at: 199 Bath Street, Glasgow G2 2SZ	Tel: 0141-248-8441	Fax: 0141-248-6121	Email: glasgow@tpcltd.co.uk
Park House, Greyfriars Road, Cardiff CF1 3UE	Tel: 01222-668-662	Fax: 01222-668-622	Email: cardiff@tpcltd.co.uk
53 The Calls, Leeds LS2 7EY	Tel: 0113-398-0800	Fax: 0113-398-0801	Email: leeds@tpcltd.co.uk

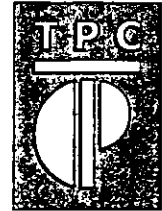
Directors:

Michael Woolner BA MRTPI, Jeremy Elsom BA DipLD MRTPI, John Rhodes BSc ARICS, Danny Simmonds BA DipUPI MRTPI, Roger Birtles BA BPI MRTPI, Brian Hill BSc DipTP MRTPI, Jane Gleeson BA BPI MRTPI, Nicholas Hollands BSc DipTP MRTPI, Gareth Roberts BA MRTPI, Mark Krassowski BA BSc ARICS, Tim Waring BA MRTPI, Graham Sharp BSc DipTP MRTPI, Karen McAllister BA MRTPI, Susan Ansbro BA MA MRTPI

Associates:

Philippa Cole BSc, Jeremy Castle BSc ARICS, Colin Pullan BA DipUD, David Moore BA MRTPI, Charlotte Swaine MA MRTPI, Becky Marshall BA BTP MRTPI, David Ward BA Dip TP MRTPI MIHBC

Town Planning Consultancy Limited. Registered office: 118 Southwark Street, London SE1 0SW. Registered in England No. 2258618



**Town Planning
Consultancy**

2.

4) Refusal notice dated 25 January 1999.

I can confirm that a copy of this submission has also been sent to the relevant local planning authority.

Yours faithfully,

TIM BANKS

Enc.

cc: Executive Director, Planning and Conservation, The Royal Borough of Kensington and Chelsea

PLANNING APPEAL

The appeal must reach the Inspectorate within 6 months of the date of the notice of the Local Planning Authority's decision, or within 6 months of the date by which they should have decided the application.

A. INFORMATION ABOUT THE APPELLANT(S)	
Full Name: MR ADRIAN HARRINGTON	
Address: 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON	
Postcode: W8 <small>Failure to provide the postcode may cause delay in processing your appeal.</small>	Reference:
Daytime Telephone No:	Fax No:
Agent's Name (if appropriate): TOWN PLANNING CONSULTANCY LTD	
Agent's Address: IRWIN HOUSE, 118 SOUTHWARK STREET, LONDON	
Postcode: SE1 0SW <small>Failure to provide the postcode may cause delay in processing your appeal.</small>	Reference: 99227
Daytime Telephone No: 0171 928 1400	Fax No: 0171 928 5631
B. DETAILS OF THE APPEAL	
Name of the Local Planning Authority (LPA): THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA	
Description of the Development: ERECTION OF A GROUND FLOOR FRONT EXTENSION TO EXISTING SHOP FRONT	
Address of the Site: 64-64A KENSINGTON CHURCH STREET, KENSINGTON, LONDON	National Grid Reference (see key on OS map for Instructions). Grid Letters: Grid Numbers eg TQ:298407
Postcode: W8 <small>Failure to provide the postcode may cause delay in processing your appeal.</small>	TQ 255799
Date and LPA reference number of the application you made and which is now the subject of this appeal: 28/10/1998 TP/98/02078/K/51/43	Date of LPA notice of decision (if any): 25th January 1999
Are there any outstanding appeals for this site eg Enforcement, Lawful Development Certificate etc? If so please give details and any Planning Inspectorate reference number here: NO	

C. REASON FOR THE APPEAL

- THIS APPEAL IS AGAINST the decision of the LPA:-** (*Delete as appropriate)
1. to ~~*refuse/grant subject to conditions~~, planning permission for the development described in Section B.
 2. to *refuse/grant subject to conditions, approval of the matters reserved under an outline planning permission.
 3. to refuse to approve any matter (other than those mentioned in 2 above) required by a condition on a planning permission.
- Or the failure of the LPA:-**
4. to give notice of its decision within the appropriate period on an application for permission or approval.

D. CHOICE OF PROCEDURE

CHOOSE ONE OF THE FOLLOWING TYPES OF PROCEDURES - Appeals decided by written representations are normally decided much quicker than by the hearing/inquiry method. For further information see the booklet "Making your planning appeal" which accompanied this form.

1. WRITTEN REPRESENTATIONS
 If you have chosen the written representations procedure, please tick if the whole site can clearly be seen from a road or other public land. (An unaccompanied site visit will be arranged if the Inspector can adequately view the site from public land.)
2. LOCAL INQUIRY Please give reasons why an inquiry is necessary

3. HEARING Although you may prefer a hearing, the Inspectorate must consider your appeal suitable.

E. ESSENTIAL SUPPORTING DOCUMENTS

A copy of each of the following should be enclosed with this form.

1. The application submitted to the LPA;
2. The site ownership details (Article 7 certificate) submitted to the LPA at application stage;
3. Plans, drawings and documents forming part of the application submitted to the LPA;
4. The LPA's decision notice (if any);
5. Other relevant correspondence with the LPA; please identify the correspondence by date or otherwise:
6. A plan showing the site in red, in relation to two named roads (preferably on an extract from the relevant 1:10,000 OS map). (Failure to submit this can delay your appeal).

Copies of the following should also be enclosed, if appropriate:

7. If the appeal concerns reserved matters, the relevant outline application, plans submitted and the permission;
8. Any plans, drawings and documents sent to LPA but which do not form part of the submitted application (eg drawings for illustrative purposes);
9. Additional plans or drawings relating to the application but not previously seen by the LPA. Please number them clearly and list the numbers here:

F. APPEAL SITE OWNERSHIP DETAILS

IMPORTANT: THE ACCOMPANYING NOTES SHOULD BE READ BEFORE THE APPROPRIATE CERTIFICATE IS COMPLETED. CERTIFICATES A AND B ARE GIVEN BELOW. IF NEEDED, CERTIFICATES C AND D ARE ATTACHED TO THE GUIDANCE NOTES

SITE OWNERSHIP CERTIFICATES

PLEASE DELETE INAPPROPRIATE WORDING WHERE INDICATED (*) AND STRIKE OUT INAPPLICABLE CERTIFICATE

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) of any part of the land to which the appeal relates.

OR

CERTIFICATE B

I certify that:

I have/the appellant has *given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the guidance notes) of any part of the land to which the appeal relates, as listed below.

Owner's Name	Address at which notice was served	Date on which notice was served
--------------	------------------------------------	---------------------------------

The Royal Borough of Kensington & Chelsea	(Highways Department) Town Hall, Hornton St, London	28/10/98
--	---	----------

I further certify that:

AGRICULTURAL HOLDINGS CERTIFICATE (TO BE COMPLETED IN ALL CASES WHERE A, B, C OR D OWNERSHIP CERTIFICATE HAS BEEN COMPLETED)

*• None of the land to which the appeal relates is, or is part of, an agricultural holding.

OR

*• I have/the appellant has *given the requisite notice to every person other than my/him/her*self 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 follows:

Tenant's Name	Address at which notice was served	Date on which notice was served
---------------	------------------------------------	---------------------------------

* Delete as appropriate. If the appellant is the sole agricultural tenant the first alternative should be deleted and "not applicable" should be inserted below the second alternative.

Signed.....*THB*.....(on behalf of)..... MR. A. HARRINGTON.....


Name (in capitals)..... TOWN PLANNING CONSULTANCY LTD..... Date..... 21/07/99.....

G. GROUNDS OF APPEAL If the written procedure is requested, the appellant's FULL STATEMENT OF CASE MUST be made - otherwise the appeal may be invalid. If the written procedure has not been requested, a brief outline of the appellant's case should be made here.

1. The front extension would not constitute a prominent and obtrusive structure which would detract from the appearance of the building and by a matter of degree would not depart from or disrupt the building line and appearance of the existing shops.
2. The application is not contrary to policies CD25, CD44, CD52 and CD53 of the Unitary Development Plan and hence would preserve the character and appearance of the conservation area.
3. The application would constitute a façade consistent with the design of the previous shop front.
4. The appellant reserves the right to add to or amend the grounds of appeal.

PLEASE SIGN BELOW

I confirm that a copy of this appeal form and any supporting documents relating to the application not previously sent to the LPA has been sent to them. I undertake that any future documents submitted in connection with this appeal will also be copied to the local planning authority at the same time.

Signed  (on behalf of) MR. A. HARRINGTON

Name (in capitals) TOWN PLANNING CONSULTANCY LTD Date 21/7/99

The Planning Inspectorate is registered under the Data Protection Act 1984, so that we may hold information supplied by you on our computer system for the purpose of processing this appeal.

CHECKLIST - Please check this list thoroughly to avoid delay in the processing of your appeal.

- This form signed and fully completed.
- Any relevant documents listed at Section E enclosed.
- Full grounds of appeal/outline of case set out at Section G.
- Relevant ownership certificate A, B, C or D completed and signed.
- Agricultural Holdings Certificate completed and signed.

◆ **1ST COPY: Send one copy of the appeal form** with all the supporting documents to

The Planning Inspectorate
Appeals Registry
Tollgate House
Houlton Street
BRISTOL
BS2 9DJ

◆ **2ND COPY: Send one copy to the LPA**, at the address from which the decision on the application (or any acknowledgments, etc) was received, enclosing any supporting documents not previously submitted to them as part of the application.

◆ **3RD COPY: For you to keep**

11/98/2078

Arch

98/2077

12

15 Vicarage Gardens,
Kensington. W8..
6th January, 1999.

Planning and Conservation,
Town Hall,
Hornton Street,
London. W8. 7NX.

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	V	SW	SE	ENF	AP ACK
12 JAN 1999 (53)							
PPPLS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Sir/Madam,

re: 64 KENSINGTON CHURCH STREET, W.8..

I am writing to oppose the above planning application.

Any further extension of the front of this building will reduce the light and view and general quality of life enjoyed by 15 Vicarage Gardens.

Further, the application will almost certainly not stop with this application. The applicant will later want to build on top of it - further blocking light and reducing the open aspect. I am also worried that the roof of such a building could be used as a terrace which would look directly into my garden and windows.

Finally, the extension of the building would adversely affect the aesthetic appeal of this area of Kensington Church Street.

Yours faithfully,

C. P. W. or Theimer

① ALS
② ALS

16 Vicarage Gardens,
London W8. 4 AH..
5th January, 1999.

Miss Salmon,
Department of Planning and Conservation,
Royal Borough of Kensington and Chelsea,
Town Hall,
Hornton Street,
London. W8. 7NX.

R
MC
2/29
M

Your ref: DPS/DCC/ALS/TP98 2077 & 2078.

Dear Miss Salmon,
re: Planning Application. 64 Kensington Church Street. W8.

Thank you for your letter of 17th December, 1998 advising of revised drawings in respect of the above planning applications.

I have received the proposals and oppose the extension to the front of the shop most strongly.

The reasons for my objection are set out in an earlier letter but in addition I would like to add that one of the most enjoyable features of this house is its open aspect to Kensington Church Street at the rear. The light and view that this provides is irreplaceable.

In addition I have already stated that since 1987 this house has enjoyed the use of hard standing and vehicular access at the rear of the property. The use of these vehicular gates necessitates the crossing of the land which is the subject of this application to gain access to Melon Place, W8..

Yours sincerely,


Peter Martin.

DIA	IND	N	C	LOW	DC	INF	JACK
30		7 JAN		1998			
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Comps
DJ
DT

HS
to note



LONDON REGION

Your Refs: TP/98 2077, 2078

Executive Director of Planning & Conservation
The Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
LONDON
W8 7NX

Our Ref: LAG020/048

Contact: Myk Flitcroft

Direct Tel: 0171-973-3732

RECEIVED BY PLANNING SERVICES							
EX DIR	HCC	N	C	SW	SE	ENF	AO ACK
- 3 DEC 1998						(91)	
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

1 December 1998

Dear Sir,

TOWN & COUNTRY PLANNING ACT 1990
DoE PLANNING POLICY GUIDANCE NOTE No.16 1990

PA

Development at 64-64A Kensington Church Street
Planning Application No. TP/98 2077, 2078

Recommendation for Post-determination Archaeological Watching Brief to be secured by condition

English Heritage's Greater London Archaeology Advisory Service, as archaeological advisors (PPG16 paras 17 & 19) to the Royal Borough, has considered the above applications for planning permission, contained in your planning list issued 13th November 1998. Archaeology is a material consideration in the planning process (PPG16 para.14).

The development site lies within an Archaeological Priority Area designated in the Royal Borough's Unitary Development Plan, where buried remains of medieval Kensington village may survive.

You will remember that we commented on an earlier scheme for this site in July this year (Planning ref TP/98 1205), advising that the proposals were likely to cause localised damage to any archaeological remains that survived. I enclose a copy of my letter dated 31 July for reference. I would like to confirm the advice contained in that letter, the effects of either/both current development proposals should be mitigated through an archaeological Watching Brief on construction activities, secured by attaching a suitable condition to any planning permission granted. The condition used for the earlier application provides a good model.

I would also be grateful if the applicants could supply me with details of the two applications, indicated the extent to which the proposals have been altered from the earlier scheme.

Please do not hesitate to contact me if you require further information or advice,



Please note that this response relates solely to **archaeological** considerations.

Yours Faithfully,

A handwritten signature in black ink, appearing to read 'Myk Flitcroft', written over a light blue horizontal line.

Myk Flitcroft
Archaeology Advisor
Greater London Archaeology Advisory Service

cc Colwyn Foulkes & Partners (*Applicants agents*)

**Royal Borough of Kensington and Chelsea
Directorate of Planning Services - Access Observations**

ACCESS: TP/98/2078	Address: 64-64a Kensington Church Street	Date Received		Date of Obs. 18/12/98
UDP Paras/Policies		Obj. <input checked="" type="checkbox"/>		No obj.
	Development: Extension to front of shop (as per 1968 situation); Demolition of existing extension to rear of premises; Formation of new mezzanine level at rear of premises.	HMO?	No. of Dwelling Units	
			Existing	Proposed
		D.C. Officer ALS	Policy Officer AKS	

Access Comments:

It would appear from Drawing Number L-243/L(0)62 that a step approximately 190mm high exists on the main entrance door. The entrance to the shop should be flat and level. If this is not possible then an internal or external ramp should be installed (which complies to the designs as shown in Supplementary Planning Guidance - 'Access Design Guidance Notes') to facilitate access for all users.

Although the above is the ideal situation and should be mooted prior to any alternatives there is a possibility that it may impossible or unreasonable to install a permanent ramp. If this is the case then an alternative would be a condition requiring the occupant to keep a portable assisted ramp on the premises to be used when the need arises. This should be accompanied by an appropriate sign (RNIB guidelines) indicating the presence of portable ramp and a bell to call for assistance.

Please can it be confirmed that the clearance on the proposed main entrance door will be a minimum of 800mm.

Objection subject to the above.

The above comments reflect UDP policies STRAT11, CD36 and CD67

Informatives I43 and I46 can be used on the above.

Monitoring

If the comments above are agreed I have no wish to be kept abreast of this application.

I wish to kept abreast of any recommendations made on this application prior to submission of the report.

I wish to be actively involved in discussions on this application.

RG 18.12.98

TRANSPORT OBS

TRANSPORTATION COMMENTS			
TP Number 98/02078	Address 64-64a Ken Church St		Date of Obs 02/12/98
Development extension to shop			Objection ??
File Number TF/202K	Obs INITIAL	Transportation Officer Gillian Palmer	D C Officer ALS
Other information			

COMMENTS

Please note that there are a number of complex issues associated with this application:

- 1 the highway status of the land at the front of the premises'
- 2 issues re access to no. 16 Vicarage Gdns.

Please ensure that you contact J Zukowski in connection with this application.

PLANNING AND CONSERVATION

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Director of Planning Services

FILE COPY

Colwyn Foulkes & Partners,
229 Kensington High Street,
London W8 5SA

Switchboard: 0171-937 5464

Direct Line: 0171-361 3264

Facsimile: 0171-361 3463

25 JAN 1999



KENSINGTON
AND CHELSEA

My reference:

Your reference: L/243

Please ask for Central Area Team

DPS/PA/TP/98/2078/K/51/43

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Refusal of permission to develop (TP8)

The Borough Council, in pursuance of their powers under the above-mentioned Act and Order, hereby refuse to permit the development referred to in the under-mentioned Schedule, as shown on the plans submitted. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Erection of a front extension at ground floor level, at 64-64A KENSINGTON CHURCH STREET, KENSINGTON, W.8, as shown on submitted drawing(s) No(s). TP/98/2078 and TP/98/2078/A, Applicant's drawing(s) No(s). L-243/L(0)23, 80 rev A, 81 rev A and 82 rev A, in accordance with your application dated 28/10/98, completed 05/11/98, revised 16/12/98.

/ REASON FOR REFUSAL ...

TP/98/2078 : 2

REASON FOR REFUSAL

The front extension, by virtue of its projection from the front of the building, would constitute a prominent and obtrusive structure which would detract from the appearance of the building and by a matter of degree would depart from and disrupt the building line of the existing shops. As such, it would fail to preserve the character and appearance of the Conservation Area, contrary to the Council's policies as set out in the Unitary Development Plan, in particular, Policies CD25, CD44, CD52 and CD53.

Yours faithfully,

A handwritten signature in black ink, appearing to read "A. J. French". The signature is written in a cursive, flowing style with a large initial "A".

Executive Director, Planning & Conservation

ROYAL BOROUGH OF KENSINGTON & CHELSEA

REPORT BY THE EXECUTIVE DIRECTOR, PLANNING & CONSERVATION

APP NO. TP/98/02078/MINR
AGENDA NO. 43

MEMBERS PANEL

ADDRESS/SUBJECT OF REPORT:

64-64A
KENSINGTON
CHURCH
STREET,
KENSINGTON, W.8

APPLICATION DATED 28/10/1998

APPLICATION REVISED 16/12/98

APPLICATION COMPLETE 05/11/1998

APPLICANT/AGENT ADDRESS:

Colwyn
Foulkes &
Partners,
229 Kensington High Street
London W8 5SA

CONS. AREA Kensington Palace CAPS Yes

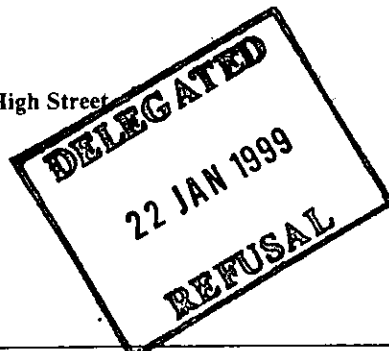
ARTICLE '4' NO WARD Campden

LISTED BUILDING NO

HBMC DIRECTION N/A

CONSULTED 12 OBJ. 3

SUPPORT PET.



RECOMMENDED PROPOSAL:

The erection of a front extension at ground floor level.

RBK&C DRAWING NO(S): TP/98/2078 and TP/98/2078A
Applicant's drawing nos: L-243/L(0)23, 80revA, 81revA and 82revA

RECOMMENDED DECISION:

Refuse Planning Permission

REASON FOR REFUSAL

. The front extension, by virtue of its projection from the front of the building, would constitute a prominent and obtrusive structure which would detract from the appearance of the building and by a matter of degree would depart from and disrupt the building line of the existing shops. As such, it would fail to preserve the character and appearance of the Conservation Area, contrary to the Council's policies as set out in the Unitary Development Plan, in particular, Policies CD25, CD44, CD52 and CD53.

1.0 THE SITE

- 1.1 No. 64/64A Kensington Church Street is located on the east side of the street, between Melon Place and Vicarage Gardens. The property stands alone, fronting Kensington Church Street and backing out on the side of the properties in Melon Place.
- 1.2 The property is within the Kensington Palace Conservation Area. It is not a Listed building.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for the erection of an extension at the front of the property at ground floor level only, together with alterations comprising raising the parapet walls and changing the design of the rooflight on the rear extension approved in September 1998 under reference TP/98/1205.
- 2.2 There is also a second current planning application for the alterations to the rear extension only. This was considered by the Planning Services Committee on 13 January 1999, and was approved.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 23 December 1964 for the installation of a new shopfront and erection of a rear extension.
- 3.2 Planning permission was granted on 7th November 1997 for the rebuilding of the flank elevations of the building.
- 3.3 Planning permission was granted on 25 September 1998 for the erection of an extension at the front of the shop and rebuilding the rear extension at ground floor level. The front extension approved under reference TP/98/1205 extended only 1.6 metres from the front of the building, with a flat roof.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations with regard to the rear extension are the impact on the amenity enjoyed by occupiers of surrounding residential properties of the increase in height of the north and south parapets and the design of the rooflight. With regard to the front extension, the main considerations are the extent of the extension, its detail and its effect on public access across the

paved area in front of the present shop. With regard to both elements of the proposal, the effect of the scheme upon the existing character and appearance of the Conservation Area is an important consideration.

- 4.2 The relevant policies are included in the "Conservation and Development" Chapter of the Unitary Development Plan, in particular Policies CD25, CD28, CD44, CD52 and CD53.
- 4.3 At present, the property has a rear extension which covers the whole of the plot to the rear of the main part of 64/64A, and abuts 5 Melon Place and 14 and 15 Vicarage Gardens.
- 4.4 The proposed extension would be 0.3 metres taller than the existing extension, with walls built of secondhand brickwork. Two panel details would be provided on the south elevation fronting Melon Place. The central part of the roof would be covered by a shallow barrel-vaulted rooflight. This has been designed to retain the existing original first floor window in the rear elevation of the main building. The detail of this extension is considered acceptable.
- 4.5 With regard to residential amenity, the extension abuts a flank wall of No. 5 Melon Place which has no windows. The increase in the height of the parapet wall by 0.3 metres adjacent to the gardens of Nos. 14 and 15 Vicarage Gardens is considered unlikely to significantly increase the enclosure of the gardens to a degree which would detract from the amenities enjoyed by the occupiers of the properties. The rooflight is low, and would not result in any loss of privacy to the neighbouring properties.
- 4.6 With regard to the front extension, there was a single storey extension at the front of the property which was demolished in the 1960s for road widening.
- 4.7 The proposed extension would extend 2.8 metres from the front of the existing shop, and would have timber stallriser and shop windows to its west and south facing elevations and a door set at the corner on a diagonal. It would have a flat roof. The detailed design of the extension is considered to be acceptable with the exception that there is a step at the entrance. This could be overcome by use of a portable ramp.
- 4.8 The continuous line of shop premises on the east side of Kensington Church Street, of which No. 64 is the last albeit separated by Melon Place, has a constant building line around the curve of Kensington Church Street. It is considered that the small-scale extension which has already been permitted would not compromise the appearance of this line of shops, since it is limited in extent to only 1.6 metres from the building.
- 4.9 By a matter of degree, it is considered that with the greater depth of extension now proposed, the front addition to the shop would appear more prominent and obtrusive, and it is considered that, as such, it would not preserve the character and appearance of the Conservation Area. Further, it is considered

that it would increase the enclosure of the garden of No. 16 Vicarage Gardens, to the detriment of the amenities enjoyed by the occupier of No. 16 since the depth of the extension is increased from 1.6 metres to 2.8 metres.

- 4.10 The status of the paved area at the front of No. 64 is still under discussion. It provides pedestrian access to No. 64. In addition, No. 16 Vicarage Gardens has gates and parks cars in its rear garden. It is considered that the further extension of No. 64 forwards would increase potential conflict with the access to No. 16, and, as such, would be unwelcome.
- 4.11 Overall, it is considered that the rear extension is acceptable, and would preserve the character and appearance of the Conservation Area and the amenities enjoyed by the occupiers of neighbouring residents. However, the front extension, by virtue of its projection from the building, making it a more prominent and obtrusive development than that which has already been approved, by a matter of degree is considered to be unacceptable, and would not preserve the character and appearance of the Conservation Area.

5.0 PUBLIC CONSULTATION

- 5.1 Occupiers of twelve neighbouring properties in Melon Place, Vicarage Gardens and Kensington Church Street have been notified of the proposal.
- 5.2 To date, objections have been received from the occupiers of three neighbouring properties. One of these has sent three separate letters.
- 5.3 Concern is raised by the occupier of No. 16 Vicarage Gardens adjacent to the north that the front extension of the property would conflict with access from his gates at the rear of his property. In addition, concern is raised that the extension would further enclose his garden. As such, it would both detract from his residential amenity, and would detract from the appearance of the existing property.
- 5.4 The occupier of No. 5 Melon Place, to the east of the site, raises concern at the extent of the front extension, and would constitute overdevelopment of the site and spoil the appearance of the shopping frontage.
- 5.5 In addition, concern is raised by the occupier of No. 15 Vicarage Gardens that any further front addition to No. 64 would result in loss of light in their garden, and would detract from the character and appearance of the Conservation Area.

6.0 RECOMMENDATION

- 6.1 Refuse Planning Permission.



M.J.French
Executive Director, Planning and Conservation

6.0 RECOMMENDATION

6.1 Grant/Refuse planning permission/Listed Building
Consent/Conservation Area Consent.

M.J. French
Director of Planning Services



Background Papers

The contents of file TP/98/2078 save for exempt or confidential information in accordance with the Local Government (Access to Information) Act 1985.

Report Prepared By: *ALS*
Report Approved By: *ALS*
Date Report Approved:

hews

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

HIGHWAYS AND TRAFFIC COMMITTEE - 16 MARCH 1999

ENVIRONMENTAL SERVICES COMMITTEE - 13 APRIL 1999

REPORT BY THE DIRECTOR OF TRANSPORTATION AND HIGHWAYS

LAND AT KENSINGTON CHURCH STREET AND MELON PLACE, W8

This report refers to a small area of land at Kensington Church Street and seeks the Committee's approval to adopt this area as "public highway maintainable at the public expense" under the Highways Act 1980. This report also seeks Committee approval to the disposal of highway land adjacent to 64-64a Kensington Church Street subject to terms being agreed. (Ward - Campden).

FOR DECISION

1. BACKGROUND

- 1.1 The area of land outlined on the plan attached was acquired by the former Greater London Council in conjunction with a road improvement scheme. The scheme did not proceed and on the abolition of the GLC, the land was transferred to the Council.
- 1.2 The current status of the land has been queried by the owner of 16 Vicarage Gardens, who wishes to gain vehicular access across it. His property adjoins this land and has a rear access to it via a set of double gates. The Council has recently received a number of affidavits confirming the status of the land as public highway. The Director of Legal Services is satisfied that the status of the land is as public highway. Although not adopted, the Council's Transportation and Highways Department has maintained the land as public highway (i.e. as footway).

2. REASONS FOR ADOPTION

- 2.1 The land has been used by the public without restriction for over 20 years - affirmed by the affidavits and is maintained by the Council. This confirms its status as public highway under Section 31 of the Highways Act 1980.

3. **LAND AT KENSINGTON CHURCH STREET**

3.1 This land is shown on the attached plan.

3.2 The owner of 16 Vicarage Gardens has applied to the Council for a pavement crossover under provision contained in the Highways Act 1980. This application has been examined closely as are all new requests for crossovers. In this case however, the owner has established that the land is public highway over which he has been safely accessing his property for many years. Negotiations have taken place to ensure that adequate safety measures are included within this application, including pavement bollards. Consequently, given the specific circumstances of this application, there would be no objection to the proposals as they now stand. However, before consent to a crossover can be granted (by the Planning Services Committee), the Director of Legal Services advises that the Council has to go through the process of adopting that part of the public highway as otherwise there is no authority to issue any consent.

4. **FOOTWAY ADJACENT TO THE FRONTAGE OF 64-64A KENSINGTON CHURCH STREET**

4.1 This is within the subject land and is shown hatched on the plan.

4.2 It is proposed that this land be sold to the owner of 64-64a Kensington Church Street to enable him to extend the current shop forwards by 1.5m (5ft). The new shop front will extend directly from the current shop front and full planning permission has already been obtained. The land in question will not interfere with the granting of the crossover in respect of 16 Vicarage Gardens. Negotiations in respect of the proposed sale have not yet commenced. It will be necessary to attach a condition to the contract for sale requiring the owner to apply for a stopping up order under the Town and Country Planning Act 1990.

5. **RECOMMENDATIONS**

5.1 The Highways and Traffic Committee is RECOMMENDED to:

- (i) raise no objection to the land on the plan being adopted as highway and maintained at the public expense under the Highways Act 1980;
- (ii) recommend the Environmental Services Committee to adopt the land on the plan as public highway maintainable at public expense; and
- (iii) that negotiations be opened by the Borough Valuer on the terms of disposal on the land (shown hatched) adjoining 64-64a Kensington Church Street to enable the property to be extended.

Agreed

FOR DECISION

Craig Wilson
Director of
Transportation and Highways

Michael Stroud
Executive Director
Environmental Services

Background papers used in the preparation of this report:
Affidavits submitted by Thomas Watts and Co. Solicitors

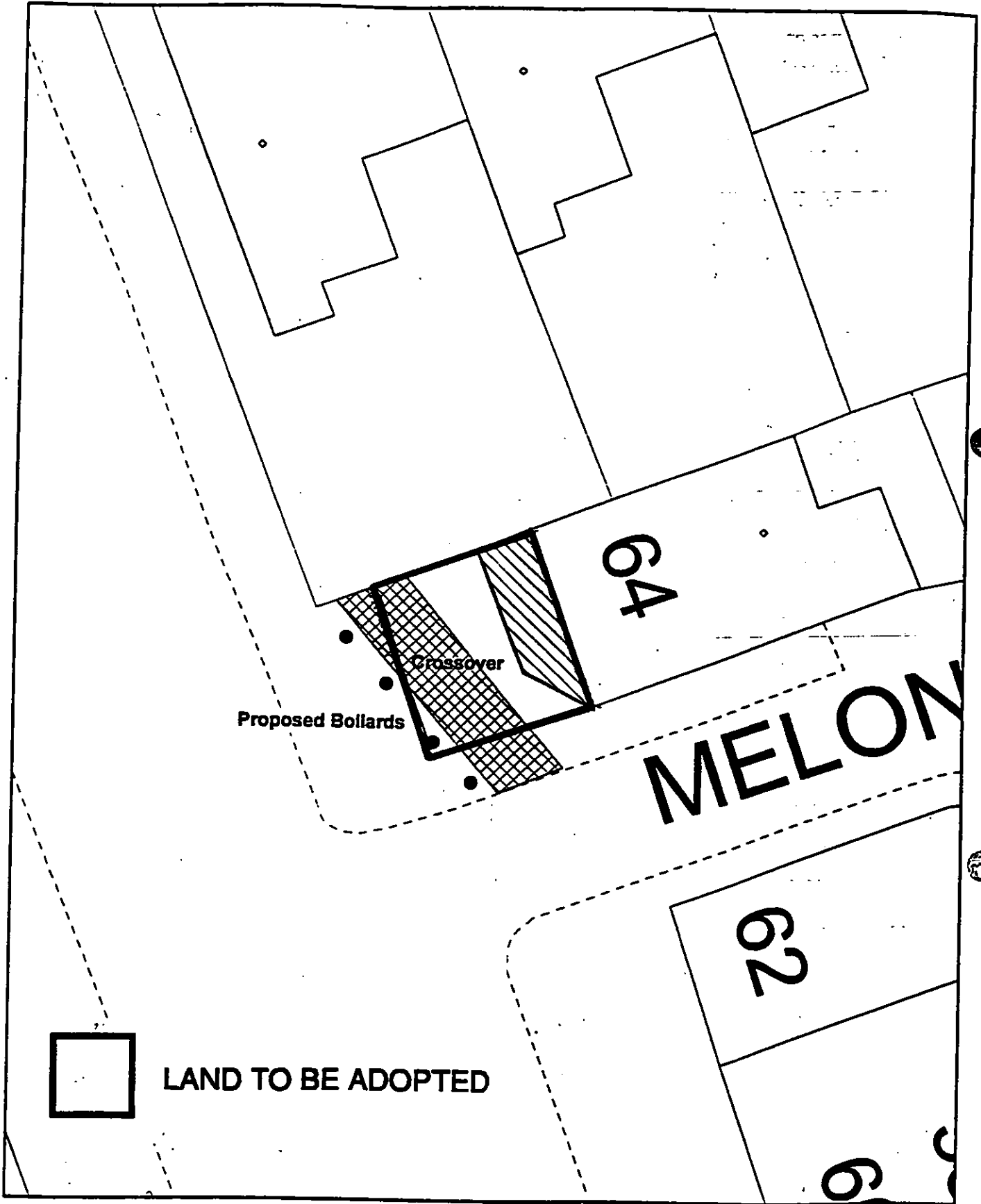
Officer Contact:

The above documents may be inspected by prior appointment with Miss Jane Elliott
(Tel: 0171 361 3375).

HT9903.TM02

The Royal Borough of Kensington and Chelsea

Borough Valuers Department



Produced using GGP. OS Map Extract Crown Copyright

Scale 1:150

Address: 64/64a Kensington Church Street



① PC ② ALS

CF&P

Our Ref: L243/A1/MS/ng/20392

10 November 1998

Colin Hayward
5 Melon Place
London
W8 4DE

✓ 26-11

Colwyn Foulkes and Partners
Chartered Architects Planning and Landscape Consultants

EX	HQC	N	SW	SC	ST	AMB
26 NOV 1998						
APPEALS	PLANNING	LANDSCAPE	DESIGN	CONSULTANTS	ARCHITECTS	

Dear Mr Hayward

Re: 64/64A Kensington Church Street

Further to our recent discussion we write to advise you of our clients intention to apply for a minor amendment to his current consent for front and rear extensions at the above premises.

We believe that the proposals will enhance the character of the area and improve the appearance of the above property which had been much neglected over the years. As you will see from the enclosed drawings the proposed front extension seeks to reinstate a former structure which was subject to compulsory purchase order by the Council in the 1970s. The revised proposal is however approximately half the depth of the former structure, although a little deeper than the consented extension. In addition to improving the front elevation of the building the new extension will serve to discourage illegal pavement parking on the forecourt and prevent the build up of rubbish which currently occurs.

The rear extension is largely unchanged from the consented scheme but features a slight increase in roof pitch which will serve to discourage access to what is presently a roof terrace, and therefore prevent overlooking.

Whilst writing you will be interested to hear that, following the recent drainage survey undertaken at the premises, we have been able to establish that there are no drains leading from your own property into the curtilage of our clients property.

We trust the enclosed is self explanatory but please do not hesitate to contact the undersigned should you have any further queries. In the meantime we will continue to keep you advised as to progress at planning and anticipated start on site.

Yours sincerely



Michael Stott
COLWYN FOULKES AND PARTNERS

c.c. A. Harrington

encl.

229 Kensington High Street, London W8 6SA
Tel: 0171 938 2464 Fax: 0171 938 2847
e-mail: cfp@colwynfoulkes.demon.co.uk

Merton Place, Colwyn Bay, North Wales LL29 7BY
Tel: 01492 532735 Fax: 01492 531034

Partners:	Associate Partners:
A. N. Colwyn Foulkes, B.Sc., B.Arch., R.I.B.A.	P. Hawthorne, B.A., Dip.Arch., R.I.B.A.
H. R. T. Williams, B.Sc., B.Arch., R.I.B.A.	

Consultants:
M. Mamalis, B.A. (Hons), Dip.Arch., R.I.B.A.
C. Hardman, Dip.Arch., R.I.B.A., H.K.I.A.
I. Clare, B.Sc., (Hons), Dip. L.A. (Edin).
E. M. Foulkes, D.L., M.B.E., B.Arch., R.I.B.A., F.R.S.A.



Ann Salmon

Central

Dear **Ann Salmon**

Could I please be consulted on **98 / 2078**
application no.

Address

64-64A Kensington
 Church Street

Could you also please indicate when you want the
observation completed by if necessary.

Anup Sharma

(Access Officer)

16/11/98

THE ROYAL
BOROUGH OF

NOTICE OF A PLANNING APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990



KENSINGTON
AND CHELSEA

~~Notice is hereby given the Royal Borough of Kensington and Chelsea Council~~
have received an application:

(a) for development of land in or adjacent to a Conservation Area.

Details are set out below.

Members of the public may inspect copies of the application, the plans and other documents submitted with it at:

The Planning Information Office, 3rd Floor, The Town Hall, Hornton Street, W8 7NX between the hours of 9.15 and 4.45 Mondays to Thursdays and 9.15 to 4.30 Fridays;

For applications in the Chelsea area: The Reference Library, Chelsea Old Town Hall, Tel. 0171-361-4158.

For postal areas W10, W11, and W2: The 1st floor, North Kensington Library, 108 Ladbroke Grove, W11. Tel. 0171-727-6583.

Anyone who wishes to make representations about this application should write to the Executive Director of Planning and Conservation at the Town Hall (Department 705) within 21 days of the date of this notice.

SCHEDULE

Exp 11/12

Reference: TP/98/2078/ALS

Date: 20/11/98

64-64A KENSINGTON CHURCH STREET, W.8

Extension to front of shop (as per 1968 situation); Demolition of existing extension to rear of premises; Formation of new mezzanine level at rear of premises. (Application two amending front and rear extensions)

APPLICANT Mr. A. Harrington.

✓ CM 20-11
Lampost
opposite



RBKC
District Plan Observations
CONSERVATION AND DESIGN

Address	64-64a, Kensington Church St.	Appl. No.	98/2077/2078/ALS	L.B.	C.A.	N C S
Description	2 applications - front & rear extensions, elev. alts.	Code	X			

1) Front shopfront extension - must discuss with DMCD + DT if they feel this is one we want to fight on appeal.
Detail also simplified, pulling in the stallris too horizontal, was better before.

2) Rear extension on both applications - I am still uneasy about this, you have not mentioned all my reservations to them in your letter of 27/10/98.
I would prefer to negotiate:
- reduce lot of rooflight
- avoid tampering into the rear elev. windows
- re-introduce the agreed vertical pilasters on the rear extension Melon Place elevation instead of the odd horizontal panel.

P.S. must discuss before any meeting is arranged.
B. 26/11/98

64/64A Kenschurch Street

Cons Area + see the
previous file.

This is for alls to front + rear:

C-double depth of the
front extension - comes
to the pier of the gates
to 16 vicarage Gdb.

→ unlikely to be welcome
- see advice on pre-
app docs returned as
dismissed with DMCD.

Detail a good.

Proposal also in the
rear ext - with larger
reflights + higher
- windows also to the
1st floor window which
we also commented on
in detail with no plaster
to side also.

Sv 8/12/98

Said to reduce
height of reflights
2 panels inside wall
OK to raise parapet
keep 1st floor window

- but not extend

forward → this appraisal.

Sv. 2pm

Wed 8th Dec

+ Helena
in Marmalade

He phoned 15)
not sending dir
13/11 but
24/12 for 26/12



PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Director of Planning Services

THE ROYAL
BOROUGH OF



KENSINGTON
AND CHELSEA

COUNCIL NOTIFICATION OF DEVELOPMENT
THE OCCUPIER
FILE COPY

Switchboard: 0171 - 937 5464

Direct Line: 0171-361 2079/2080

Facsimile: 0171 - 361 3463

Date: 16/11/98

My reference:

Your reference:

Please ask for:

Planning Information Office

DPS/DCC/ALS/TP/98/2078

THIS LETTER INVITES YOU TO COMMENT ON A PLANNING APPLICATION / LISTED BUILDING APPLICATION WHICH MAY AFFECT YOUR PROPERTY

Dear Sir/Madam,

The Council has received a planning application for development at a property which is close to yours. The address of that property is set out below, together with brief details of the development for which permission is sought. The Council's Planning Applications Committee, in considering the proposal, will welcome comments, for or against the scheme from those who live in or own property nearby. I should therefore be pleased to know, in writing, if you as the occupier/owner of neighbouring property have any comments.

Address of application property

64-64A KENSINGTON CHURCH STREET,
W.8

Proposal for which permission is sought

Extension to front of shop (as per 1968 situation);
Demolition of existing extension to rear of premises;
Formation of new mezzanine level at rear of premises.
(Application two amending front and rear extensions)

PLEASE NOTE: WHEN INFORMATION OFFICE IS CLOSED PLANS RELATING TO PROPERTIES IN
SW7, SW5 & W8 CAN BE VIEWED AT THE CENTRAL LIBRARY, PHILLIMORE WALK, W8 0171-361-3036

Further details are printed overleaf.

Yours Sincerely,

M.J. FRENCH

Executive Director, Planning and Conservation

TOWN AND COUNTRY PLANNING ACTS, 1990

The Council is required by the Secretary of State for the Environment to consider all planning applications expeditiously. Any letter of support or objection should be received as soon as possible within 21 days of the date of this letter, although later objections, if received in time, will be reported to the Council Committee meeting which decides the application. An early response gives the Council's Officers the opportunity to encourage applicants to amend their plans in the light of objections received, and the application may therefore be amended before it is decided. If you cannot formulate your detailed objections within 21 days you should acknowledge this letter so that your interest can be noted.

The reasons for any objection should be clearly stated.

Objections relating to party walls and inconveniences which may be caused by building operations should however be taken up, either by yourself or your professional representative, with the applicant.

All correspondence received will be available to members of the determining Committee when the application is considered.

It must be clearly understood that any comments you may choose to make will be made available to the applicant, his agent and any other interested party, pursuant to the requirements of the Local Government (Access to Information) Act, 1985.

Should there be any tenants in the buildings of other persons likely to be affected by this application, would you please be good enough to bring this letter to their attention.

If you are not the owner of the property to which this notice is addressed will you kindly forward this letter to the owner.

WHERE TO EXAMINE THE PLANS

The plans and/or application details referring to this proposal may be inspected at the Planning Information Office on the 3rd floor at the Town Hall, Hornton Street, W8 7NX, between the hours of 9.00 a.m. and 4.45 p.m., Mondays to Thursdays and 9.00am to 4.15pm Fridays.

Alternatively, copies of all planning applications relating to:

- (a) the Chelsea area can be examined at the Reference Library, Chelsea Old Town Hall, King's Road, SW3. Tel. 0171-361-4158. Any questions you have regarding Planning matters should be directed to the Planning Department at the Town Hall, Hornton Street, W8. Tel. 0171-361-2079/2080
- (b) the postal areas W10, W11, or W12 can be examined at the 1st Floor, North Kensington Library, 108 Ladbroke Grove, W11. Tel. 0171-727 6583

Please telephone the Chelsea and Westway offices to check opening times.

Please quote the T.P. reference number on all written replies.

- Please note:**
- i) In the interest of economy, letters in agreement or without objections to the proposals will not be acknowledged.
 - ii) Should you be interested in attending the Committee Meeting at which the application is to be determined, you are advised to contact the Planning Information Office.

MEMORANDUM

From: EXECUTIVE DIRECTOR,
PLANNING AND CONSERVATION

To: FOR FILE USE ONLY

My Ref: TP/98/2078/ALS

Your Ref:

P.A.X.No. 2086

Date: 13/11/98

DEVELOPMENT

64-64A KENSINGTON CHURCH STREET, W.8

Extension to front of shop (as per 1968 situation); Demolition of existing extension to rear of premises; Formation of new mezzanine level at rear of premises. (Application two amending front and rear extensions)

Would you please advertise the above development under:-

1. Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (development affecting the character or appearance of a Conservation Area or adjoining Conservation Area).

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

DEVELOPMENT CONTROL

TECHNICAL INFORMATION

THE ROYAL BOROUGH OF



KENSINGTON AND CHELSEA

(C)

ADDRESS 64-64A TP982078
KENSINGTON CHURCH STREET
PP/98/02078 W8

- HB Buildings of Architectural or Historic interest
- AMI Area of Metropolitan Importance
- MDO Major Sites with Development Opportunities
- MOL Metropolitan Open Land
- SBA Small Business Area
- PSC Principal Shopping Centre (Core or Non core)
- LSC Local Shopping Centre
- AI Sites of Archeological Importance
- SV Designated View of St. Paul's From Richmond
- SNCI Sites of Nature Conservation Importance
- BEG 7 Restricted size and use of Estate Agent Boards
- ART IV Restrictions of Permitted Development Rights

Conservation Area	HB	CPO	TPO	AMI	MDO	MOL	SBA	Unavailable for Diplomatic use	PSC	LSC	AI	SV	SNCI	BEG 7	ART IV
7									CIM						

Density	
Site Area	
Habitable rooms proposed	
Proposed Density	

Plot Ratio	
Site Area	
Zoned Ratio	
Floor Area proposed	
Proposed Plot Ratio	

Daylighting	Complies	
	things	

Car Parking	spaces required	
	spaces proposed	

Notes

64 KENSINGTON CHURCH STREET

Property Card N° : 0440 105 00

Sitename :
 Comment :
 TP Arch/History : K 8816
 See Also :

Xref :
 Notes :

TP No	Brief Description of Proposal	1	of	4	Adverts & History No
	INSTALL NEW SHOPFRONT AND ERECT REAR ADDITION.				

Received	Decision & Date	Appeal	Works
Completed	Conditional	23/12/64	Lodged
Revised			Completed

TP No	TP/97/1972	Brief Description of Proposal	2	of	4	Adverts & History No
		REBUILDING OF FLANK ELEVATIONS, AT 64/64A				

Received	Decision & Date	Appeal	Works
Completed 22/08/97	Conditional	07/11/97	Lodged
Completed 27/08/97			Completed
Revised			

TP No	TP/97/1973	Brief Description of Proposal	3	of	4	Adverts & History No
		DEMOLITION OF SECOND FLOOR GABLE WALLS AND ROOF AND REBUILDING TO MATCH EXISTING, AT 64/64A				

Received	Decision & Date	Appeal	Works
Completed 22/08/97	Conditional	07/11/97	Lodged
Completed 27/08/97	CAC		Completed
Revised			

TP No	TP/98/1205	Brief Description of Proposal	4	of	4	Adverts & History No
		EXTENSION TO FRONT OF SHOP AT GROUND FLOOR LEVEL. DEMOLITION OF EXISTING EXTION TO REAR OF PREMISES. FORMATION OF NEW MEZZANINE LEVEL AT REAR OF PREMISES.				<- 64/64A

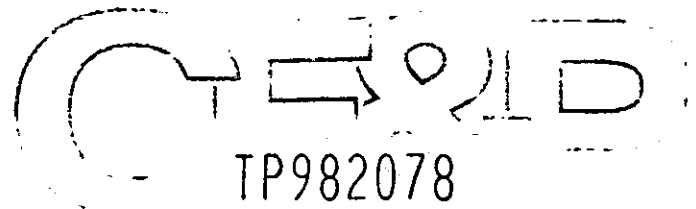
Received	Decision & Date	Appeal	Works
Completed 22/06/98		Lodged	Completed
Completed 25/06/98	CURRENT		
Revised			

Our Ref: L243/C1/20361/MM/mm

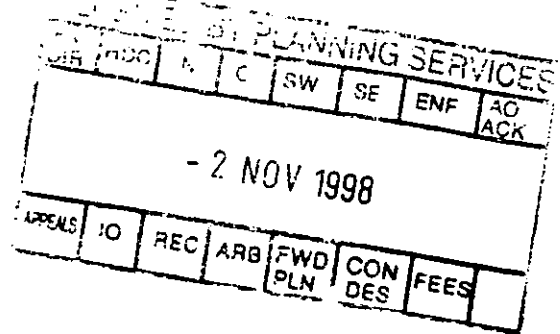
29 October 1998

Attn. Ms A Salmon
Planning and Conservations
Royal Borough of Kensington & Chelsea
Town Hall
Hornton Street
London
W8 7NX

Dear Sirs



Colwyn Foulkes and Partners
Chartered Architects Planning and Landscape Consultants



Re: 64/64a Kensington Church Street

Further to our letter of 28 October 1998 please find enclosed the following in support of our Client's dual application for Planning Consent for works at the above premises:

Application 1:

1. 8 sets of drawings

L243/L(0) 23 (existing elevations)
L243 L(0)70, 71 & 72 (proposed alterations to consented rear extension)
2. 4 sets of completed planning and conservation area forms.
3. Signed copy of Certificate B.

Application 2:

1. 8 sets of drawings

L243/L(0) 23 (existing elevations)
L243 L(0)80, 81, 82 & 62 (proposed alterations to consented rear and front extensions)
2. 4 sets of completed planning and conservation area forms.
3. Signed copy of Certificate B.

229 Kensington High Street, London W8 6SA
Tel: 0171 938 2464 Fax: 0171 938 2847
e-mail: cfp@colwynfoulkes.demon.co.uk

Merton Place, Colwyn Bay, North Wales LL29 7BY
Tel: 01492 532735 Fax: 01492 531034

Partners:
A. N. Colwyn Foulkes, B.Sc., B.Arch., R.I.B.A.
H. R. T. Williams, B.Sc., B.Arch., R.I.B.A.

Associate Partners:
P. Hawthorne, B.A., Dip.Arch., R.I.B.A.

Consultants:

TP982078

We have been advised by Mr Roche and Ms Roberts in the Council's fee and registration section that no fee is payable since the application relates to an amendment to existing consent ref: DPS/PA/TP/98/1205/K/35/2138 within 6 months.

We note the following points in support of the enclosed applications:

1. Both applications relate to modest amendments to consent ref: DPS/DCC/TP/98/1205.
2. Application 1: relates to a slight increase in height to the consented rear extension to achieve a floor to ceiling height more appropriate to the established use of the ground floor; this being the sale of antique books.

It is considered that the constraints imposed on our Client by the Council in order to achieve the recent consent are unduly restrictive and prejudicial to the carrying on of a use which the Council's unitary development plan would seek to promote in Kensington Church Street.

It is further considered that the slight increase in height proposed, whilst satisfying the needs of the established retail use, will not adversely affect the perceived visual gap between the rear of the property and no. 5 Vicarage Gardens.

The main alteration relates to the increase in height of the ridge level which is now indicated: 600mm above the consented scheme. Since the ridge is on the centre line of the extension it will not be apparent from eye level in Melon Place. This fact is confirmed by reference to section AA on dwg L(0)71 and 81 which indicates that if a sightline is projected from eye level at the south side of Melon Place to top of parapet coping, the ridge will not be visible.

We note the case officer's comments that the increased ridge height may be acceptable to the Council provided there is no increase in the parapet level. Whilst it is not constructionally feasible to adhere exactly to the consented parapet level without having an adverse effect on ceiling heights, we have been able to achieve a reduction of 100mm to the proposed parapet level, so that it is now only 200mm above the level indicated on the consented scheme.

2. Application 2: Front & Rear Extensions: the proposals additionally seek to reinstate an earlier shop front demolished by the Council in the early seventies under a compulsory purchase order for a road widening scheme that was never implemented.

In support of the proposed alteration we note that by virtue of the recent consent for a front extension, the principle of the shop front addition would appear to be acceptable to the Council, but it is the depth of the proposed shop front that is at issue.

TP982078

In this respect we would argue that the earlier structure does set a precedent relevant to our Client's application. Furthermore it can be seen from the 1964 photograph of the former shopfront structure (copy enclosed), that the proposed shopfront extends only to approximately half the depth of the original structure on the forecourt area.

During the course of our early discussions with Council officers on site on 6 April 1998 and 28 July 1998 we were led to believe that a deeper front addition could be considered provided the front elevation was pulled back so as not to obstruct the double gate and piers to 16 Vicarage Gardens. This has been accommodated in the current proposal. This being the case, and following discussions with the owner/occupier of 16 Vicarage Gardens, our Client is confident that agreement will be reached that no objection would be lodged by him in respect of this variation.

With regard to design matters the proposals seek to enhance the present poor quality shop front and draw on material from the Council's traditional shop front design guide. The new shopfront serves to form an attractive stop end to the view looking north up Kensington Church Street and will discourage illegal pavement parking in the present forecourt area and the general build up of rubbish which tends to occur. The proposed front extension will also serve to increase the street presence of our Client's premises and thereby help underpin the vitality of his business in a location which has a history of marginal viability for retail premises.

A clear pavement depth of 5.5m from the proposed shopfront to back of pavement to Kensington Church Street would be retained which significantly exceeds the pavement depth of the rest of the Street.

As you are aware the Borough Valuer has no objection in principle to the purchase of the land in question by our Client.

We trust that having further considered the arguments in favour of our Client's proposals, your department will be able to support both applications at Committee. In the mean time should you have any further queries or consider that a meeting would be beneficial please do not hesitate to contact the undersigned.

Yours sincerely



Michael Mamalis

COLWYN FOULKES & PARTNERS

cc. Mr A. Harrington

TOWN & COUNTRY PLANNING ACT 1990
APPLICATION FOR PERMISSION TO DEVELOP LAND AND/OR BUILDINGS IN GREATER LONDON

FOR OFFICE USE ONLY

Fee £ RE: SUBMISSION
 Cheque / Postal Order / Cash NO FEE REQUIRED
 Receipt No. Issued

COMPLETE APPLICATION

Borough Ref.
 Registered No.
 Date Received TP982078

- 5 NOV 1998

PLEASE READ CAREFULLY THE GENERAL NOTES BEFORE FILLING IN THE FORM

PART ONE	To be completed by or on behalf of all applicants as far as applicable
FEE (where applicable)	£ <u>N/A BR.</u>

1. APPLICANT (in block capitals) **AGENT** (if any) to whom correspondence should be sent

Name MR. A. HARRINGTON Name COLWYN FOXES & PARTNERS
 Address LANGFORD, WELCOME ROAD, Address KENSINGTON HIGH STREET
KENLEY LONDON
C29 5HH W8 5SA
 Tel. No. 0181 753 1321 Tel. No. 0171 938 2464 Ref. 1/243

2. PARTICULARS OF PROPOSAL FOR WHICH PERMISSION IS SOUGHT

(a) Full address or location of the land to which this application applies 64/64A KENSINGTON CHURCH STREET
LONDON
W8

(b) Site area 87.1m²

(c) Give details of proposal indicating the purpose for which the land/buildings are to be used and including any change(s) of use.

EXTENSION TO FRONT OF SHOP (AS PER 1968 SITUATION);
DEMOLITION OF EXISTING EXTENSION TO REAR OF PREMISES;
FORMATION OF NEW MEZZANINE LEVEL AT REAR OF PREMISES.
(APPLICATION TWO)

(d) State whether applicant owns or controls any adjoining land and if so, give its location.

NO

(e) State whether the proposal involves:- State Yes or No

(i) New building(s) or extension(s) to existing building(s) **SERVICES**

PL	EX	D'R	SE	INF	AO	ACK
- 2 NOV 1998						
APPEAL	DEC	ARB	ENV'D	CON	FEES	

YES NO **IF "Yes" state gross floor area of proposed building(s).**

EXISTING 125
 NEW 46.3m²
 TOTAL 171.3m²

If residential development state number of dwelling units proposed and type if known, e.g. houses, bungalows, flats.

N/A

(ii) Alterations YES NO

(iii) Change of use YES NO

(iv) Construction of new access to a highway } vehicular
 } pedestrian YES NO

(v) Alteration of an existing access to a highway } vehicular
 } pedestrian YES NO

IF "Yes" state gross area of land or building(s) affected by proposed change of use (if more than one use involved state gross area of each use).

Hectares/m²

Strike out whichever is inapplicable

- 5 NOV 1998

State whether this application is for:

State Yes or No

(I) Outline planning permission

NO

If "Yes" strike out any of the following which are not to be determined at this stage.

- 1. Siting
- 2. Design
- 3. Landscaping
- 4. External appearance
- 5. Means of access

(II) Full planning permission

YES

(III) Renewal of temporary permission or permission for retention of building or continuance of use without complying with a condition subject to which planning permission has been granted.

NO

If "Yes" state the date and number of previous permission and identify the previous condition.

Date Number

The Condition

(IV) Consideration under Section 72 only (Industry)

NO

TP982078

4. PARTICULARS OF PRESENT AND PREVIOUS USE OF BUILDINGS OR LAND

State :-

(i) Present use of buildings/land

EXISTING RETAIL USE TO GROUND FLOOR &

(ii) If vacant the last previous use and period of use with relevant dates.

RESIDENTIAL ABOVE.

5. LIST ALL DRAWINGS, CERTIFICATES, DOCUMENTS, ETC; forming part of this application

L-243/L(O) 83

L-243/L(O) 82

L-243/L(O) 80

L-243/L(O) 62

L-243/L(O) 90

L-243/L(O) 81

CERTIFICATE B

6. ADDITIONAL INFORMATION State Yes or No

(a) Is the application for non-residential development

YES

If "Yes" complete PART THREE of this form (See PART THREE for exemptions)

(b) Does the application include the winning and working of minerals

NO

If "Yes" complete PART FOUR of this form

(c) Does the proposed development involve the felling of any trees

NO

If "Yes" state numbers and indicate precise position on plan

(d) (I) How will surface water be disposed of? TO MAINS SEWER

(II) How will foul sewage be dealt with? TO MAINS SEWER

(e) Materials - Give details (unless the application is for outline permission) of the colour and type of materials to be used for:

(I) Walls RECLAIMED/2nd HAND STOCKS (YELLOW BRICK)

(II) Roof SLATE

(III) Means of enclosure N/A

We hereby apply for (strike out whichever is inapplicable)

(a) Planning permission to carry out the development described in this application and the accompanying plans in accordance therewith

~~(b) Planning permission to retain the building(s) or work(s) already constructed or carried out, or a use of the land already instituted as described in this application and accompanying plans.~~

Signed Colin Forbes + Partner on behalf of A. HARRINGTON Date 28.10.98

AN APPROPRIATE CERTIFICATE MUST ACCOMPANY THIS APPLICATION (See General Notes)

If you are the ONLY owner of ALL the land at the beginning of the period 20 day before the date of application, complete Certificate A. If otherwise see PART TWO of this form.

CERTIFICATE A - Certificate under Section 66 of the Town & Country Planning Act 1990. I hereby certify that:-

- *Strike out whichever is unapplicable.
- 1. No person other than the applicant was an owner (a) of any part of the land to which the application relates at the beginning of the period of 20 days before the date of the accompanying application.
- 2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
- 3. *I have / the applicant has given requisite notice to every person other than *myself/himself who, 20 days before the date of the application was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:-

Name and Address of Tenant

Date of Service of Notice

Signed on behalf of Date

PART TWO TOWN AND COUNTRY PLANNING ACT 1990 CERTIFICATE UNDER SECTION 66

TP982078

PLEASE READ THE NOTES OVERLEAF BEFORE FILLING IN PART TWO.

CERTIFICATE B

I hereby certify that:

- 1. I have/the applicant has* given the requisite notice to all persons, who 20 days before the date of accompanying application, were owners of any part of the land to which the application relates, viz:

Name of Owner ROYAL BOROUGH Address TOWN HALL, HORNTON ST.
OF KENSINGTON & CHELSEA Date of Service of Notice 28 10 98

- *2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
- *3. I have/the applicant has* given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

Date of Service of Notice

Signed [Signature] on behalf of A. HARRINGTON Date 28 10 98

† See note (a) to Certificate

* Strike out whichever is inapplicable

CERTIFICATE C

I hereby certify that:

- 1. (i) I am/the applicant is* unable to issue a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66 (1) of the Act, in respect of the accompanying application dated
- (ii) I have/ the applicant has* given the requisite notice to the following persons who, 20 days before the date of the application, were owners of any part of the land, to which the application relates, viz:

Name of Owner Address

..... Date of Service of Notice

- (iii) I have/the applicant has* taken the steps listed below, being steps reasonably open to me/him* to ascertain the names and addresses of the other owners of the land or part thereof and have/has* been able to do so:

(a)

- *2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
- *3. I have/the applicant has* been given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

Date of Service of Notice

Signed on behalf of Date

† See note (a) to Certificate

(a) Insert description of steps taken.
 (b) Insert name of local newspaper circulating in the locality in which the land is situated.
 (c) Insert date of publication (which must not be earlier than 20 days before the application).

* Strike out whichever is inapplicable

CERTIFICATE D

I hereby certify that:

- 1. (i) I am/the applicant is* unable to issue a certificate in accordance with Section 66 (1) (a) of the Act in respect of the accompanying application dated and have/has* taken the steps listed below, being steps reasonably open to me/him*, to ascertain the names and addresses of all the persons who, 20 days before the date of the application were owners of any part of the land to which the application relates and have/has* been unable to do so:

(a)

- (iii) Notice of application as set out below has been published in the (b) on (c) (Copy of notice as published).

- *2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
- *3. I have/the applicant has* given the requisite notice to every person other than myself/himself* who, 20 days before the date of application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

Date of Service of Notice

Signed on behalf of Date

† See note (a) to Certificate

(a) Insert description of steps taken.
 (b) Insert name of local newspaper circulating in the locality in which the land is situated.
 (c) Insert date of publication (which must not be earlier than 20 days before the application).

* Strike out whichever is inapplicable

Additional information required in respect of Applications for INDUSTRIAL, OFFICE, WAREHOUSING, STORAGE or SHOPS

(Attention is drawn to 'General Notes for Applicants')

TP982078

Application No.
(For Official Use Only)

(Those questions relevant to the proposed development to be answered)

<p>1. In the case of industrial development, give a description of the processes to be carried on and of the end products, and the type of plant or machinery to be installed.</p>	N/A																																		
<p>2. If the proposal forms a stage of a larger scheme for which planning permission is not at present sought, please give what information you can about the ultimate development. <i>(See Note overleaf)</i></p>	N/A																																		
<p>3. Is the proposal related to an existing use in Greater London? If so, please explain the relationship.</p>	<p>State Yes or No</p> <div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">NO</div>																																		
<p>4. Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory? If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.</p>	<p>State Yes or No</p> <div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">NO</div>																																		
<p>5. (a) What is the total floor space of all buildings to which the application relates? (b) What is the amount of industrial floor space included in the above figure? (c) What is the amount of office floor space? (d) What is the amount of floor space for retail trading? (e) What is the amount of floor space for storage? (f) What is the amount of floor space for warehousing?</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">Existing (if any)</th> <th colspan="2" style="text-align: left;">Proposed new floor space</th> </tr> <tr> <th colspan="4" style="text-align: center;"><i>(See General Notes)</i></th> </tr> </thead> <tbody> <tr> <td style="width:5%;">(a)</td> <td style="width:15%;">125</td> <td style="width:15%;">m²/sq.ft.</td> <td style="width:15%;">(171.3-125) = 46.3</td> </tr> <tr> <td>(b)</td> <td>NIL</td> <td>m²/sq.ft.</td> <td>NIL</td> </tr> <tr> <td>(c)</td> <td>NIL</td> <td>m²/sq.ft.</td> <td>NIL</td> </tr> <tr> <td>(d)</td> <td>62</td> <td>m²/sq.ft.</td> <td>108.3</td> </tr> <tr> <td>(e)</td> <td>NIL</td> <td>m²/sq.ft.</td> <td>NIL</td> </tr> <tr> <td>(f)</td> <td>NIL</td> <td>m²/sq.ft.</td> <td>NIL</td> </tr> </tbody> </table>	Existing (if any)		Proposed new floor space		<i>(See General Notes)</i>				(a)	125	m ² /sq.ft.	(171.3-125) = 46.3	(b)	NIL	m ² /sq.ft.	NIL	(c)	NIL	m ² /sq.ft.	NIL	(d)	62	m ² /sq.ft.	108.3	(e)	NIL	m ² /sq.ft.	NIL	(f)	NIL	m ² /sq.ft.	NIL		
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(f)	NIL	m ² /sq.ft.	NIL																																
<p>(i) How many (a) office (b) industrial and (c) other staff will be employed on the site as a result of the development proposed? (ii) If you have existing premises on the site, how many of the employees will be new staff? (iii) If you propose to transfer staff from other premises, please give details of the numbers involved and of the premises affected.</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th colspan="2" style="text-align: center;">(a) Office</th> <th colspan="2" style="text-align: center;">(b) Industrial</th> <th colspan="2" style="text-align: center;">(c) Other staff</th> </tr> <tr> <th style="text-align: center;">M</th> <th style="text-align: center;">F</th> <th style="text-align: center;">M</th> <th style="text-align: center;">F</th> <th style="text-align: center;">M</th> <th style="text-align: center;">F</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">(i)</td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">1-2</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">(ii)</td> <td colspan="2" style="text-align: center;">N/A</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">(iii)</td> <td colspan="2" style="text-align: center;">N/A</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		(a) Office		(b) Industrial		(c) Other staff		M	F	M	F	M	F	(i)					1-2	2	(ii)	N/A						(iii)	N/A					
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(i)					1-2	2																													
(ii)	N/A																																		
(iii)	N/A																																		
<p>6. In the case of industrial or office development is the application accompanied by an industrial development certificate or office development permit? If 'NO' state why a certificate is not required.</p>	<p>State Yes or No</p> <div style="border: 1px solid black; display: inline-block; padding: 2px 10px;">NO</div>																																		
<p>7. What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes)</p>	OFFSTREET.																																		
<p>8. Is the estimated vehicular traffic flow to the site a normal working day? (Please include all vehicles those used by individual employees driving to work)</p>	1 OR 2 DELIVERIES EACH WEEK.																																		

What is the nature volume and means of disposal of any trade effluents or trade refuse?	STANDARD BINS TP982078
Will the proposed use involve the use or storage of any of the materials of type and quantity mentioned in General Notes for Applicants. (see note 11) If 'Yes' state materials and approximate quantities.	State Yes or No <input type="text" value="NO"/>
State details of any processes sub-contracted, the percentage sub-contracted and the location of sub-contractors.	NONE
List materials used, giving source (locality in Great Britain or port of entry) and transport used.	N/A
State approximate percentages of turnover to markets under (a), (b), (c) and (d) and transport used in each case. <i>*State name of docks or airport.</i>	(a) Greater London Council Area: <u>N/A</u> (b) Elsewhere in Great Britain: (c) Exports through London Docks: other Docks: *(d) Exports through airports:

State reasons in full for desiring location first in Greater London and then on the proposed site.
 (Continue on a separate sheet if necessary)

IMPROVED BUSINESS OPPORTUNITIES

Signed Coby Fook & Partners On behalf of A. HARRINGTON Date 23.10.98

NOTE

Question 2 Grant of the permission now sought would in no way commit the local planning authority in respect of any proposed ultimate development which the applicant may mention in answer to this question.

CAC NOT

Part 1

REQUIRED

FP.1 (H.B./CA)
Part I

TP982078

PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT, 1990

APPLICATION FOR LISTED BUILDING CONSENT / CONSERVATION AREA CONSENT

1. Name and Address of applicant (i.e. developer) (IN BLOCK LETTERS) LEVEL BY PLANNING SERVICES

Name MR A. HARRINGTON
Address LANGEORD, WELCOME ROAD, KENLEY,
SURREY, CR8 5HH
Applicant's Telephone No. 0181 763 1921

N	C	SW	SE	ENF	AO ACK		
- 2 NOV 1998							
PREP	IO	REC	ARB	FWD PLN	COM DES	FEE	

(If applicable)
Name and Address of applicant's agent to whom notices or other documents in respect of this application should be sent COLWYN FOULKES & PARTNERS, 229 KENSINGTON HIGH STREET, LONDON
Agent's telephone No. 0171 938 2464 W8 6SA

We hereby apply for consent to carry out the works described in this application and on the attached plans and drawings.
Signed Colwyn Foulkes & Partners on behalf of MR A. HARRINGTON Date 28.10.98

2. Full address or location of the land to which application relates 64/64A KENSINGTON CHURCH STREET, LONDON W8 6SA

3. (a) Brief particulars of the proposed works. (a) EXTENSION TO FRONT OF SHOP - AS PER 1968 SITUATION DEMOLITION & NEW BUILD TO REAR.
(b) State what the proposal involves (Delete the items which do not apply)
(i) Demolition of the building(s)
(ii) Alterations and/or Extensions

4. State the purpose for which the land is
(a) now used, or (a) RETAIL AT GROUND FLOOR LEVEL,
(b) if vacant, the last known use (b) RESIDENTIAL ABOVE,
(c) proposed to be used (c) RETAIL AT GROUND FLOOR LEVEL,
RESIDENTIAL ABOVE.

5. State (a) suitable location on building or within curtilage of building for display of statutory notice in respect of this application; and (b) name and address of person to whom application should be made for facilities to display notice.
(a) IN FRONT WINDOW
(b) A. HARRINGTON
ADDRESS AS IN 1 ABOVE.

6. List of drawings and plans submitted with the application. (See Notes).
L-243/L(O) 23 L-243/L(O) 62 L-234/L(O) 90
L-243/L(O) 80 L-243/L(O) 62
L-243/L(O) 81

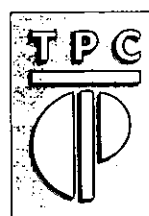
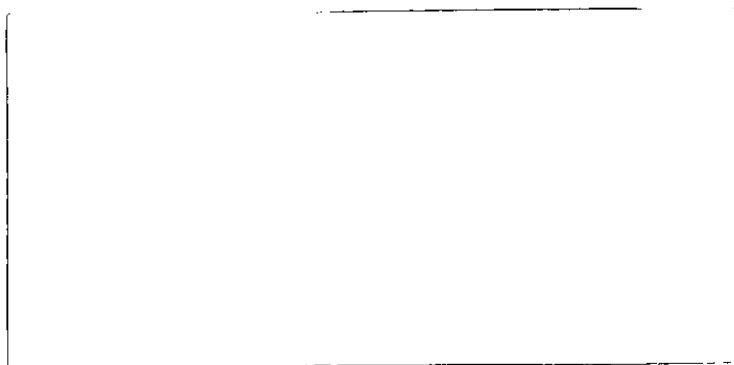
CERTIFICATE UNDER SECTION 11, PART I OF THE PLANNING (LISTED BUILDINGS & CONSERVATION AREAS) ACT, 1990

CERTIFICATE A (See Notes).

I hereby certify that no person other than myself/the applicant* was an owner of the building to which the application relates at the beginning of the period of 20 days before the date of the accompanying application.

Signed _____ on behalf of _____ Date _____

*Delete where appropriate



**Town Planning
Consultancy**

STATEMENT OF CASE
64/64A KENSINGTON CHURCH STREET

October 1999

Town Planning Consultancy Limited
118 Southwark Street
London SE1 OSW

Tel: 0171 928 1400
Fax: 0171 928 5631
Email: London@tpcltd.co.uk

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78

APPEAL AGAINST: The decision of the Royal Borough of Kensington and Chelsea to refuse planning permission for the extension of the 64/64a Kensington Church Street.

LOCATION: 64/64a Kensington Church Street, London, W8.

TPC REFERENCE: 99227

LPA REFERENCE: TP/98/2078

DOE REFERENCE: APP/K5600/A/99/1026251

**64/64a KENSINGTON CHURCH STREET
LONDON W8**

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SECTION 1: FACTUAL BACKGROUND

1.1 This statement is in support of an appeal made under Section 78 of the Town and Country Planning Act 1990. The appeal was lodged by Town Planning Consultancy Ltd. on behalf of Mr A Harrington for the erection of a ground floor extension to an existing shop front at 64-64a Kensington Church Street, Kensington, London, W8.

a) The Application Subject of Appeal

1.2 The planning application was submitted to the Royal Borough of Kensington and Chelsea on the 28th October 1998 by Colwyn Foulkes and Partners.

1.3 The drawings which originally formed part of the application were:

L-243/L(0) 23
L-243/L(0) 62
L-243/L(0) 80
L-243/L(0) 81
L-243/L(0) 82
L-243/L(0) 90

1.4 During the course of the application the scheme was amended such that the drawings which were eventually refsed consent were:

L-243/L(0) 23
L-243/L(0) 62
L-243/L(0) 80 rev A
L-243/L(0) 81 rev A
L-243/L(0) 82 rev A
L-243/L(0) 90

1.5 In addition to the shop front extension the application also included alterations to the rear of the property comprising raising the parapet walls and changing the design of the rooflight of the extension approved in a prior application in September 1998, reference TP/98/1205 (amended by consent TP/98/2077).

1.6 The application was formally registered on the 5th November 1998. Out of 11 neighbouring properties notified only three objections were received. These were from No.15 Vicarage Gardens, No.16 Vicarage Gardens, and 5 Melon Place.

1.7 Following consideration by the Council's case officer the application was refused planning consent under delegated powers on 22nd January 1999. The decision notice, included as document 1, cites one reason for refusal:

“The front extension, by virtue of its projection from the front of the building, would constitute a prominent and obtrusive structure which would detract from the appearance of the building and by a matter of degree would depart from and disrupt the building line of existing shops. As such, it would fail to preserve the character and appearance of the Conservation Area, contrary to the Council's policies as set out in the Unitary Development Plan, in particular, Policies CD25, CD44, CD52 and CD53.”

DOCUMENT 1

1.8 An appeal against the decision was lodged with the Planning Inspectorate on the 29th July 1999.

(b) The Proposal

1.9 The proposed extension would extend 2.8 metres from the front of the existing shop, and would have a timber stall-riser and shop windows to its west and south facing elevations and a door set at the corner on a 45 degree diagonal. The proposed extension would have a flat roof.

1.10 The extension would provide just over an additional 13m² of floorspace.

c) **Site and Surrounding Area**

- 1.11 The appeal site is occupied by Mr. A. Harrington and is currently in use as an antique book shop named "*Antiquarian Books, Maps and Prints*". The site is located approximately 120 metres along the east side of the A4204 Kensington Church Street from its junction with Vicarage Gate. The site is located on the corner of Kensington Church Street and the cul-de-sac of Melon Place.
- 1.12 The A4024 is a busy A road linking the A40 with the A315. Rear gardens of three storey properties flank the northern edge of the site. The gardens are approximately 7.5 metres in depth. A two storey house flanks the eastern side of the site.
- 1.13 A terrace consisting of commercial ground floor units and three residential storeys are located on the western side of Kensington Church Street, opposite to the appeal site.

Planning History

- 1.14 The site history is recorded in the schedule at document 2. There are significant issues raised by the planning history that are relevant to the proposed extension.
- 1.15 The first planning application of interest (H8816) relates to the previous shop front which existed prior to its demolition. Consent was granted in December 1964 for the demolition of that shop front to allow for road widening and replacement with the current shop front.
- 1.16 The application included plans and elevations which appear as document 3. These show the former single storey shop projecting in front of the main building. This original shop front projected approximately 5 metres from the main building structure, and was approximately 5 metres wide. The entrance to the shop was at an angle on the corner of Kensington Church Street and Melon Place.

- 1.17 The officer's report to committee for this application appears as document 4. That report confirms that London County Council owned the freehold of the front addition to the premises and that it was proposed to demolish the shop front to extend the public footway up to the main frontage of the building. The freehold had been acquired by LCC through compulsory purchase.
- 1.18 As document 5 there is a photograph of the former projecting shop front prior to its demolition under the 1964 consent.
- 1.19 The current proposed extension can be compared and contrasted with the shop front that existed prior to application H8816. The current proposal is of reduced depth, being only 2.8 metre against a projection of 5 metres by the original shop front. The height and width of the proposed extension and the original frontage are very similar. The height of both being approximately 3.2 metres and the width 4.9 metres.
- 1.20 The design of the proposed extension is very similar to the original shop, and indeed the original formed the basis for the new design. The proposed extension therefore aims to restore the street scene to its original format, albeit a slightly smaller extension in order to protect the amenity of neighbouring properties and preserve the quality of the street scene.
- 1.21 The planning permission granted to application TP/98/1205 is also of importance. This included an extension to the front of the shop by 1.6 metres. The approved plans (as amended) are included as document 6. The extension consists of a display window fronting onto Kensington Church Street with a door set at 45° angle. The extension is designed with a flat roof. The shop front would be constructed in timber with traditional detailing. This extension was considered acceptable and the planning officer in the report to committee states:

“this extension replaces a much larger one which was removed in the past for a road-widening scheme which did not take place”.

- 1.22 The detailing of the current proposed extension follows that established by this consent. The proposal again has a display window fronting Kensington Church Street with a door set at 45° angle. It would be constructed in timber with a traditional stallriser and a flat roof. The principal difference between it and the extension granted consent in 1998 is that it projects forward by a further 1.2m.
- 1.23 From historical evidence, in the form of OS maps, it is possible to identify the original boundaries of 64/64a Kensington Church Street. The OS maps appear as document 8. They show the original footprint of 64/64a Kensington Church Street in the years 1865, 1935, and 1962. All the plans identify the front of the building projecting to a distance consistent with the front extension shown in Document 3.
- 1.24 The planning history clearly demonstrates that historically the shop front to the appeal premises projected forward of the main building line by approximately 5m. The appeal proposals seek to reinstate that situation albeit to a slightly reduced extent. The consent of 1998 establishes that in principle the authority has no objection to a ground floor extension.

SECTION 2: PLANNING POLICY CONTEXT

a) Government Policy

2.1 Government policy concerning development within conservation areas is set out in PPG 15, entitled "Planning and the Historic Environment", September 1994. The broad aims of PPG 15 are to protect and enhance the environment in both town and the countryside and preserve the built and natural heritage. Section 69 of the Act imposes a duty on local planning authorities to designate as conservation areas any areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance. High priority must therefore be given to the objective of preserving or enhancing the character or appearance of the area.

2.2 Paragraph 4.20 goes on to state that:

"Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance, or by development which leaves character and appearance unharmed".

2.3 Conservation areas are covered in Section 4 of PPG 15. Advice within the PPG that is relevant includes:

1. Conservation and economic prosperity. Economic prosperity can secure the continued vitality of conservation areas. Policies will need to be designed to allow the area to remain alive and prosperous.
2. The design of new buildings. These should be carefully designed to respect their setting, follow principles of scale, height, massing and alignment and use of appropriate materials.

b) Local Policy

2.4 Local policy relevant to this proposal is contained in the Royal Borough of Kensington Unitary Development Plan (UDP), which was adopted in 1995. The proposals map indicates that the site is situated within a designated conservation area. The relevant policies appear in Chapter 4 of the UDP relating to Conservation and Development.

2.5 The first policy referred to on the refusal notice is CD25. It indicates that:

“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 AND CHARACTER OF THE SURROUNDINGS”.

2.6 The next policy relied on by the authority is CD44:

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

2.7 As will be shown later, the proposed development is wholly consistent with these policies. There is no criticism of its detailed design and its height is established. Its scale and massing are sympathetic to, and in keeping with, the host building.

2.8 Policy CD52 indicates that:

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

- 2.9 A Conservation Area Proposals Statement for the Kensington Palace Conservation Area, was published in 1997 and constitutes supplementary planning guidance. There is a generalised policy concerning Kensington Church Street contained within Chapter 6: Shopfronts and Advertising. This states:

“Kensington Church Street, together with small groups of shops on side roads closely associated with it, has a distinct character which deserves some individual analysis. In the Council’s opinion, its shop fronts make a significant contribution to the character of Kensington Palace Conservation Area. The preservation of this character and where possible its enhancement will be assisted by general recognition of those features which together establish the Area’s special identity.”

DOCUMENT 9

- 2.10 At page 36, paragraph C3, the Conservation Area Proposals Statement recognises the importance of views of the rear garden wall to 16 Vicarage Gardens. The detailing as shown in the photograph is criticised and the paragraph goes onto explain that:

“....Screening could be improved for the benefit of both occupants and passers by and could easily be made acceptable in visual terms”

- 2.11 It is clear from the comments at paragraph C3 that the present view of the rear of 16 Vicarage Gardens is not seen as enhancing the conservation area.

SECTION 3: ANALYSIS OF PLANNING ISSUES

- 3.1 In refusing consent to the application there are certain matters with which the authority does not take issue. First, it is not opposed in principle to an extension to the shop front. The consent of 1998 establishes the principle of some form of shop front extension. With the current proposal, its concern is that, as a matter of fact and degree, the proposal extends too far. Secondly, the authority raises no criticism of the detailed design of the shop front extension save they would require a movable ramp to allow wheelchair, etc access. The appellant is agreeable to this. Finally, no objection is taken to the works in the application to the rear of the property. This is not surprising as they already benefit from a previous consent.
- 3.2 The sole issue with this appeal is therefore the extent to which the shop front extends and therein its affect on the character of the conservation area. This is by definition an extremely subjective judgement. In forming that judgement it is important to have regard to the history of the site. As has been seen, until about 1964 the original shop front to this property extended forward of the main building by about 5m. In the context of the character of the conservation area the proposal seeks to restore a feature which was somewhat unsympathetically removed in the 1960's to allow for road widening. In that it seeks to return the building to its original format, or close to it, it is very much an enhancement of the conservation area and one which should be welcomed.
- 3.3 In refusing planning consent the first two policies relied upon by the authority are CD25 and CD44. They can be viewed together in that they seek to ensure new development or alterations are sympathetic in terms of design, height, scale and bulk with their surroundings.
- 3.4 There is no issue with the design of the extension as confirmed at paragraph 6.3 of the authority's statement. The height of the extension is similarly not at issue as it repeats that established in the 1998 consent.

- 3.5 In terms of scale and bulk the extension will only project 1.2m further forward than that granted consent in 1998 and be approximately 2.2m less deep than the shop front that previously existed. The photograph at document 5 of the previous shop front clearly shows how an extension of greater depth than that now proposed does not look out of keeping. Indeed, projecting ground floor shop units which stand proud of the body of the main building are a traditional design form which can be seen across London.
- 3.6 The detailed design of the front extension will improve the existing shop. The existing front is of a green marble finish, with no traditional stall riser. It is not a frontage in keeping with the more traditional wooden shop frontages along Kensington Church Street in the immediate area. Consequently, materials sympathetic to the area would be used in the proposed extension. The Council have no objection to the design as put forward. The improvement of the shop front would be an enhancement of the conservation area.
- 3.7 In respect of Policy CD52 it is considered that as a matter of fact and degree, the proposal would help preserve the character of the area. The extension proposed is more modest in comparison to the original shop however, it reintroduces a traditional design feature. The proposed extension would enhance the natural sweep of Kensington Church Street, restoring it to its former grandeur, whilst still leaving ample pavement for pedestrian movement.
- 3.8 Scant use is made of the paved area immediately in front of the present shop by pedestrians because it does not form part of the natural line of pedestrian movement. This space, in effect, became redundant after works to widen the highway were not implemented. The proposed extension would part restore the original shop whilst leaving a more balanced proportion of pavement in equilibrium with the immediate streetscape. A clear pavement depth of approximately 5.5 metres from the proposed shopfront to the back of the pavement to Kensington Church Street would be retained. This would still significantly exceed the pavement depth of the rest of the street.

- 3.9 64/64a Kensington Church Street does not form part of a terrace of shops, as it is separated by Melon Place. The photographs at document 10 help to demonstrate that the present street scape is disjointed by the shop being separated from the continuous line of shop premises on the east side of Kensington Church Street to the south. The appeal premises stand as a unit on their own. The Council have, in effect, acknowledged this fact by allowing permission for the extension in 1998. Photograph 3 shows the extension would cover, in part, views of the garden wall to 16 Vicarage Gardens. That wall is not a particularly attractive or important feature, where views of it should be retained. Again the principle of building in front of it is established.
- 3.10 In refusing consent the reason for refusal suggests the extension will “depart from and disrupt the building line of the existing shops”. This will occur in any event given the 1998 consent. Had the building line been so sensitive the authority would not have granted that previous consent. A further extension by 1.2m will have no meaningful affect on the perceived building forms.
- 3.11 It is no part of the authority’s reason for refusal that the extension would have an unacceptable impact on the amenities of the occupiers of 16 Vicarage Gardens. Third party objections have raised this issue however.
- 3.12 The extension will be just 1.6m higher than the top of the wall. It does not extend across the full width of the wall and a extension of reduced depth (1.6m) has already been granted consent. Whilst there would be an increased element of shadow when the sun is in the southern sky this would have no meaningful impact on the enjoyment of the garden. As the photographs show, the garden will receive very good sunlight throughout most of the day and in particular from the western sky.
- 3.13 At paragraph 6.7 of its statement the authority raises a highway safety issue. It is not part of the formal reason for refusal nor does the authority include any supporting evidence from its highway engineers. The report on the application does not suggest the engineers resisted the proposal.

3.14 The alleged vehicular/pedestrian conflict arises from the use of the vehicular access to the garden of 16 Vicarage Gardens. That access is used on a very limited basis and serves just one property. It will remain whether or not the scheme goes ahead. It cannot sensibly be suggested that projecting the shop front forward by just 1.2m beyond that already permitted would result in a situation so prejudicial to highway safety that consent should be refused. This argument by the authority should be given no credence. Had they considered it a real issue it would have warranted inclusion in the reason for refusal.

3.15 In summary, it is considered that the front extension is not obtrusive or prominent. It is of an appropriate design, modest in scale and would preserve and enhance the appearance of the Conservation Area.

SECTION 4: CONCLUSIONS

4.1 The conclusions are as follows:

- i) The principle of developing an extension has already been established by granting permission for the smaller extension and by the fact that the property, historically, used to extend considerably further than the proposed extension.
- ii) The proposal would restore the building to its old format before it was demolished for a road widening scheme which subsequently did not proceed.
- iii) The proposal would return the extension to its original fabric, with the design used sympathetic and in keeping with that outlined by the Conservation Area Statement. The design will improve the appearance of the present substandard shop front.
- iv) The proposal is not detrimental to the character and appearance of the conservation area. The extension would constitute a structure that creates a more natural sweep of the corner than is presently the case. It is therefore considered that the street scene will be preserved and enhanced.

4.2 For the reasons set out in this statement, and bearing in mind Central Government Guidance, the appellant respectfully requests that this appeal is allowed.



PLANNING AND CONSERVATION

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THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS
Director of Planning Services



Colwyn Foulkes & Partners,
229 Kensington High Street,
London W8 5SA

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Direct Line: 0171-361 3264

Facsimile: 0171-361 3463

25 JAN 1999

KENSINGTON
AND CHELSEA

My reference: Your reference L/243
DPS/PA/TP/98/2078/K/51/43

Please ask for Central Area Team

CI

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Refusal of permission to develop (TP8)

The Borough Council, in pursuance of their powers under the above-mentioned Act and Order, hereby refuse to permit the development referred to in the under-mentioned Schedule, as shown on the plans submitted. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Erection of a front extension at ground floor level, at 64-64A KENSINGTON CHURCH STREET, KENSINGTON, W.8, as shown on submitted drawing(s) No(s). TP/98/2078 and TP/98/2078/A, Applicant's drawing(s) No(s). L-243/L(0)23, 80 rev A, 81 rev A and 82 rev A, in accordance with your application dated 28/10/98, completed 05/11/98, revised 16/12/98.

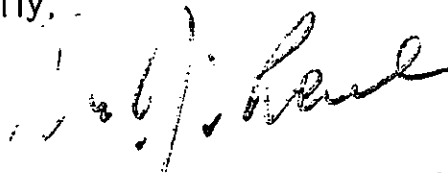
/ REASON FOR REFUSAL ...

TP/98/2078 : 2

REASON FOR REFUSAL

The front extension, by virtue of its projection from the front of the building, would constitute a prominent and obtrusive structure which would detract from the appearance of the building and by a matter of degree would depart from and disrupt the building line of the existing shops. As such, it would fail to preserve the character and appearance of the Conservation Area, contrary to the Council's policies as set out in the Unitary Development Plan, in particular, Policies CD25, CD44, CD52 and CD53.

Yours faithfully,



Executive Director, Planning & Conservation

SUMMARY OF THE PLANNING HISTORY
TO THE SITE

Application Number	Description of Application	Decision	Date
H 8816	Install new shopfront and erect rear addition	Conditional	23/12/1964
TP/97/1972	Rebuilding of flank elevations, at 64/64a	Conditional	07/11/1997
TP/97/1973	Demolition of second floor gable walls and roof and rebuilding to match existing, 64/64a	Conditional	07/11/1997
TP/98/1205	Extension to front of shop at ground floor level. Demolition of existing extension to rear of premises. Formation of new mezzanine level at rear of premises.	Conditional	23/9/1998
TP/98/2077	Amendment to planning permission (Ref; TP/98/1205) dated 25/09/98, comprising raising the parapets of rear extension and alterations to design of rooflight	Conditional	20/01/1999
TP/98/2078	The erection of a front extension at ground floor level	Refused	20/01/1999

071 938 2847

2256

FAO. Michael Mennalis

PLANNING AND CONSERVATION

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

Executive Director Miss C M DENT BSc M Phil FRICS FRTP
Director of Planning Services M J FRENCH FRICS Dip TP MRTP Cert TS

Telephone: 071-937 5464

Extension: 2081

Facsimile: 071-376 1130

15 OCT 1992

P.J. Martin,
16 Vicarage Gardens,
London W8 4AH



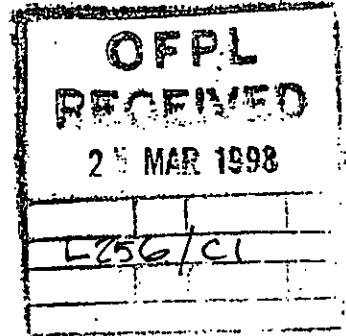
My reference:

Your reference:

Please ask for:

DPS/PV/TP/92/1348/Z/33/781

Miss P. Vallely



Dear Sir/Madam,

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 - SECTION 74

Demolition in a Conservation Area (Conservation Area Consent) (CAC)

The Borough Council hereby consent to the works referred to in the under-mentioned Schedule, subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions. Your attention is also drawn to the enclosed information sheet.

SCHEDULE

WORKS PROPOSED

Partial demolition of the wall (facing Melon Place) to facilitate the installation of gates, at 16 VICARAGE GARDENS, KENSINGTON, W.8, as shown on submitted drawing No. TP/92/1348, Applicant's unnumbered A4 sheet and photograph, in accordance with your application dated 11/08/92, completed 19/08/92.

/ CONDITIONS ...

TP/92/13481

2

CONDITIONS

1. The works to which this consent relates shall be begun before the expiration of five years from the date of this consent. (C.22L)
2. The timber gates hereby approved shall not be used for vehicular access.

REASONS FOR THE IMPOSITION OF CONDITIONS

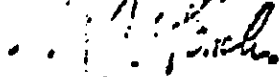
1. To prevent an accumulation of consents which have not been acted upon. (R.13L)
2. To safeguard public safety.

INFORMATIVE

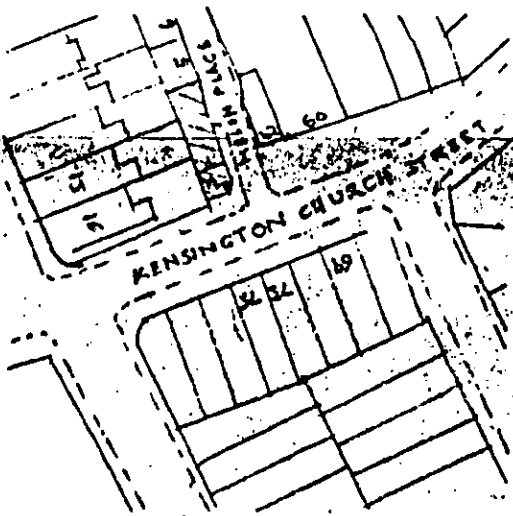
Your attention is drawn to the Building Act, 1984, the Building Regulations, 1985, and, insofar as they are applicable, the London Building Acts, 1930-39. The Council's District Surveyors, at 102-108 Warwick Road, London, W.8 6PW, (071-373-6099), must be consulted in these respects.

In the case of new residential accommodation (or works to existing residential premises) attention is drawn also to S.604 (Fitness for Human Habitation) of the Housing Act 1985. The Director of Environmental Health, (071-373-6099) can advise on requirements necessary to satisfy this legislation. (I.12)

Yours faithfully,



Director of Planning Services



Site Plan

1

LONDON COUNTY COUNCIL
 28731 10-11-64
 REGISTER

MARSH & PARSONS
 15 KENSINGTON CHURCH
 STREET, LONDON W8.

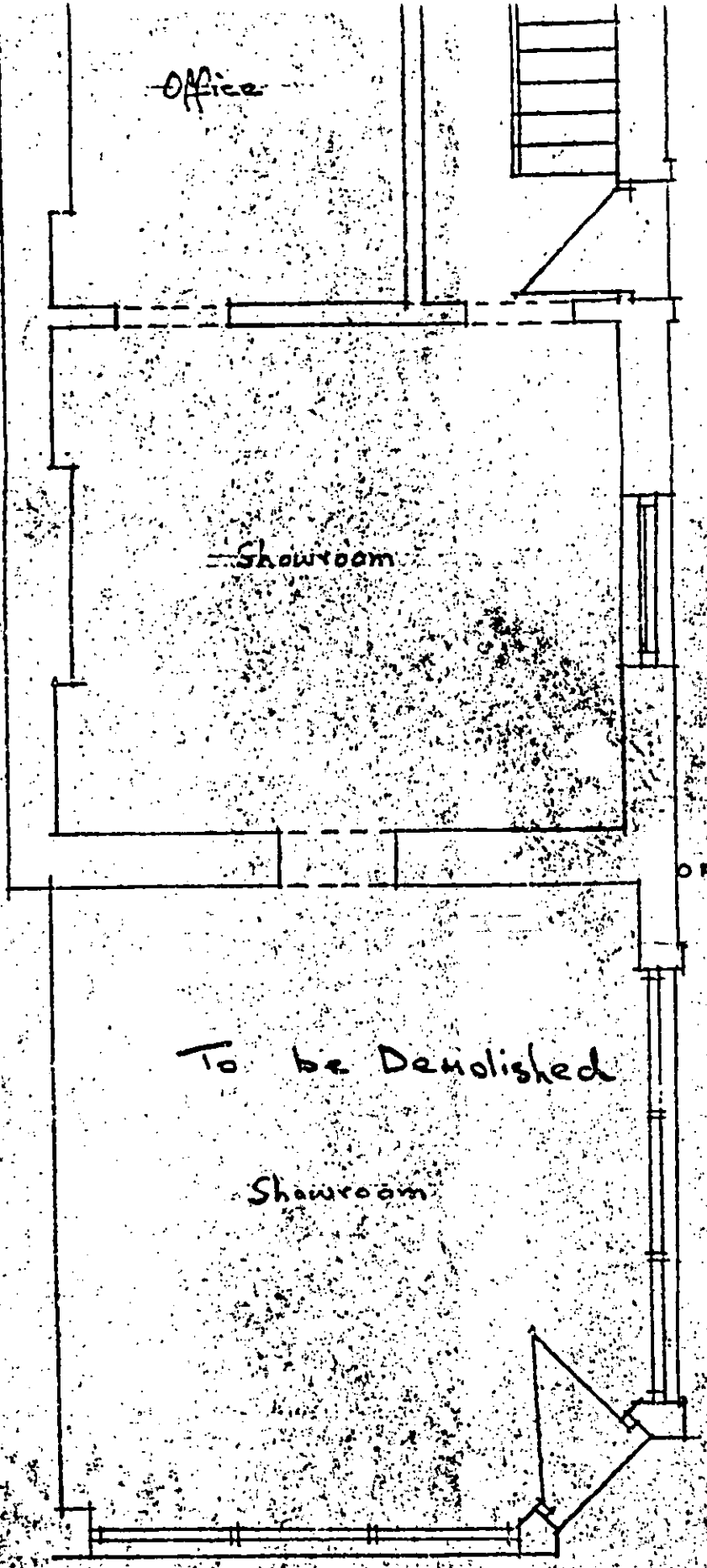
64 KENSINGTON CHURCH STREET, LONDON, W.8.
 DRAWING AS EXISTING.

Plan, Elevations

6/11/64

Scale: 1/4" to 1'-0"

6/11



GROUND FLOOR PLAN



ELEVATION TO KENSINGTON CHURCH STREET



Para 15.12.64

503.

REPORT TO HOUSING & TOWN PLANNING
COMMITTEE, 17th December, 1964

TOWN & COUNTRY PLANNING ACTS, 1962-63

64, KENSINGTON CHURCH STREET, W.8. E.B.K. Case TP.8916

DELEGATED APPLICATION

From Marsh & Parsons, on behalf of Mrs. E. Brooksbank, freeholder, for planning permission to erect a single-storey addition at the rear and to install a new shopfront.

The premises at present comprise a ground floor antique shop with two floors of residential accommodation above. The front part of the shop is a single-storey addition projecting in front of the main building structure. At the rear there is a small yard and an old single-storey garage building, now used as a workshop for the repair of damaged antiques sold in the shop.

Access to the residential accommodation, the yard and the workshop is from Melon Place, a short cul-de-sac which is normally completely obstructed by parked vehicles.

PROPOSAL

The L.C.C., who own the freehold of the front addition (acquired by compulsory purchase some years ago), are proposing to demolish the addition and extend the public footway up to the main part of the building (owned by the applicants). As a result the existing shop premises will be severely reduced in size.

The application is to remove the existing garage workshop at the rear and replace it by a larger structure that will include the existing yard area and which will be joined to the main building to form an integral part of the shop.

The new shopfront is required on the new street facade.

CONSIDERATIONS

The new side walls will, on average, be lower than the existing walls, and daylighting to adjoining premises will not be affected.

No garage accommodation is to be provided but as (i) there is none at present, and (ii) vehicular access from Melon Place is impossible on account of the congested parking, no reasonable objection can be raised.

COUNTY DEVELOPMENT PLAN

Residential zoning with shopping frontage to Kensington Church St.

RECOMMENDATION

GRANT PERMISSION for the installation of a new shopfront and erection of a rear addition at No. 64, KENSINGTON CHURCH STREET, KENSINGTON, W.8., as shown on submitted drawing No. 28731, applicants' drawing No. 6/1, 2 & 3, subject to the following conditions:

All new external finishes shall be carried out in materials to match the existing facing work.

Reason: To ensure that the external appearance of the building is satisfactory.



In 1964



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THE ROYAL
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KENSINGTON
AND CHELSEA

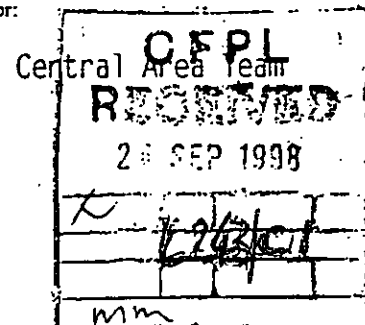
25 SEP 1998

My reference:

Your reference:

Please ask for:

L/243
DPS/PA/TP/98/1205/K/35/2138



Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Permission for development (Conditional) (TP6a)

The Borough Council hereby permit the development referred to in the under-mentioned Schedule, subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Erection of an extension at front of shop and rebuilding rear extension at ground floor level, at 64/64A KENSINGTON CHURCH STREET, KENSINGTON, W.8, as shown on submitted drawing(s) No(s). TP/98/1205 and TP/98/1205/A, Applicant's drawing(s) No(s). L-243/L(0)23, L-243/L(0)30, L-243/L(0)31, L-243/L(0)32 and L-243/L(0)33, in accordance with your application dated 22/06/98, completed 25/06/98, revised 27/08/98.

/ CONDITIONS ...

TP/98/1205 : 2

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
2. The garage accommodation hereby permitted shall be available at all times for car parking and shall not be adapted for living, commercial or other purposes. (C.28)
3. The shopfront windows and pilasters to the shop shall be constructed in painted timber and so maintained.
4. A plan or section along the line of the rear extension shall be submitted showing the projection of the pilaster indicated on drawing No. L-243L(0)31, and this shall be agreed in writing by the Executive Director, Planning and Conservation before work commences on site.
5. Samples of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation prior to the commencement of works on site:
 - (a) the new brickwork for the rebuilt extension;
 - (b) the roofing material of the new extension.
6. The roof of the extension hereby permitted shall not be used at any time as a terrace without the prior approval in writing of the local planning authority. (C.80)
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with the written scheme for investigation which has been submitted by the applicant and approved by the local planning authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
2. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
3. To ensure a satisfactory standard of external appearance. (R.71)
4. To ensure a satisfactory standard of external appearance. (R.71)
5. To ensure a satisfactory standard of external appearance. (R.71)
6. To protect the privacy ...

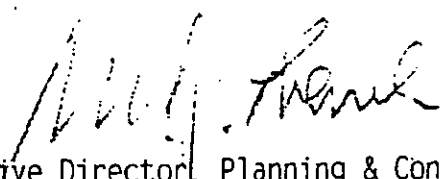
TP/98/1205 : 3

6. To protect the privacy and amenities of neighbouring properties. (R.79)
7. In order to protect the archaeological interest of the site.

INFORMATIVES

1. This property is within a Conservation Area. Building works should therefore be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out you should consult the Directorate of Planning Services. (I.11)
2. Separate consent for the works hereby given approval under the Planning Acts may be required by the Building Act 1984 and the Building Regulations 1991, and this approval does not imply that such consent will be given. The Director of Building Control, Council Offices, 102-108 Warwick Road, London, W14 8PT should be consulted before works commence. (I.21)
3. Demolition and building works are subject to the Environmental Protection Act, and appropriate controls over methods, noise and hours of work may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 102-108 Warwick Road, W14 8PT at an early stage. (I.30)
4. The development of this site is likely to impact upon archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

Yours faithfully,



Executive Director, Planning & Conservation

PLANNING AND CONSERVATION

THE TOWN HALL • HORNTON STREET • LONDON W8 7NX

THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS
Director of Planning Services

1 JUN 1999

Colwyn Foulkes & Partners,
229 Kensington High Street,
London W8 6SA

Switchboard: 0171-937 5464
Direct Line: 0171-361 3264

Facsimile: 0171-361 3463



KENSINGTON
AND CHELSEA

20 JAN 1999

My reference:

Your reference:

Please ask for:

L/243
DPS/PA/TP/98/2077/K/51/2004

Central Area Team

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT, 1990
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1988

Permission for development (Conditional) (TP6a)

The Borough Council hereby permit the development referred to in the under-mentioned Schedule, subject to the conditions set out therein and in accordance with the plans submitted, save insofar as may otherwise be required by the said conditions. Your attention is also drawn to the enclosed Information Sheet.

SCHEDULE

DEVELOPMENT

Amendment to planning permission (reference TP/98/1205) dated 25/09/98, comprising raising the parapets of rear extension and alterations to design of rooflight at 64-64A KENSINGTON CHURCH STREET, KENSINGTON, W.8, as shown on submitted drawing(s) No(s). TP/98/2077 and TP/98/2077/A. Applicant's drawing(s) No(s). L-243/L(0)23, 70 rev A, 71 rev A and 72 rev A, in accordance with your application dated 28/10/98, completed 05/11/98, revised 16/12/98.

/ CONDITIONS ...

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission. (C.1)
2. The development hereby permitted shall be carried out exactly and only in accordance with the drawings and other particulars forming part of the permission and there shall be no variation therefrom without the prior written approval of the local planning authority. (C.68)
3. The shop front windows and pilasters to the shop shall be constructed in painted timber and so maintained.
4. A sample of the new brickwork for the rear extension shall be submitted to, and approved in writing by, the Executive Director, Planning and Conservation, prior to the commencement of works on site, and the extension shall only be constructed in brickwork as so approved.
5. The roof of the extension hereby permitted shall not be used at any time as a terrace without the prior approval in writing of the local planning authority. (C.80)
6. Details of the materials and finishes for the glazed rooflight, to include details of blinds to be used to screen the rooflight when lit to avoid glare to surrounding properties, shall be submitted to, and approved in writing by, the Executive Director, Planning and Conservation prior to the commencement of works on site.
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Executive Director, Planning and Conservation. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Executive Director, Planning and Conservation.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions. (R.1)
2. The details are considered to be material to the acceptability of the proposals and to safeguarding the amenities of the area. (R.68)
3. To ensure a satisfactory standard of external appearance. (R.71)
4. To ensure a satisfactory ...

4. To ensure a satisfactory standard of external appearance. (R.71)
5. To protect the privacy and amenities of neighbouring properties. (R.79)
6. To ensure a satisfactory standard of external appearance. (R.71)
7. In order to protect the archaeological interest of the site.

INFORMATIVES

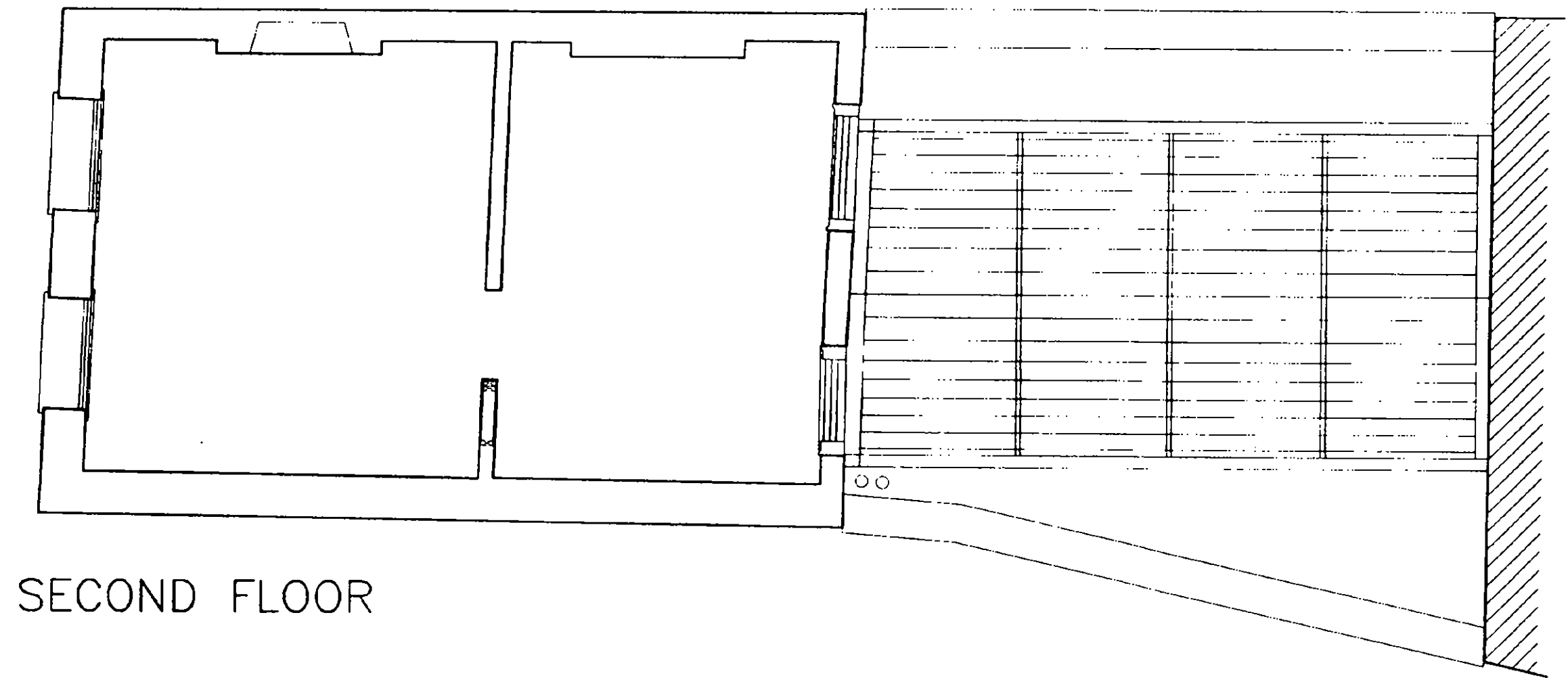
1. This property is within a Conservation Area. Building works should therefore be completed with great care. External facing work and detailed treatment should be finished in a manner sympathetic to the existing building. If there is any doubt about the way in which work should be carried out you should consult the Directorate of Planning Services. (I.11)
2. Separate consent for the works hereby given approval under the Planning Acts may be required by the Building Act 1984 and the Building Regulations 1991, and this approval does not imply that such consent will be given. The Director of Building Control, Town Hall, Hornton Street, London W8 7NX, should be consulted before works commence. (I.21)
3. Demolition and building works are subject to the Environmental Protection Act, and appropriate controls over methods, noise and hours of work may be imposed by the Council. You are advised to consult the Director of Environmental Health, Council Offices, 102-108 Warwick Road, W14 8PT at an early stage. (I.30)
4. The development of this site is likely to impact upon archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
5. A Stopping Up Order, under Section 247 of the Town and Country Planning Act 1990, will be required before development forming the subject of this permission can commence.

Yours faithfully,

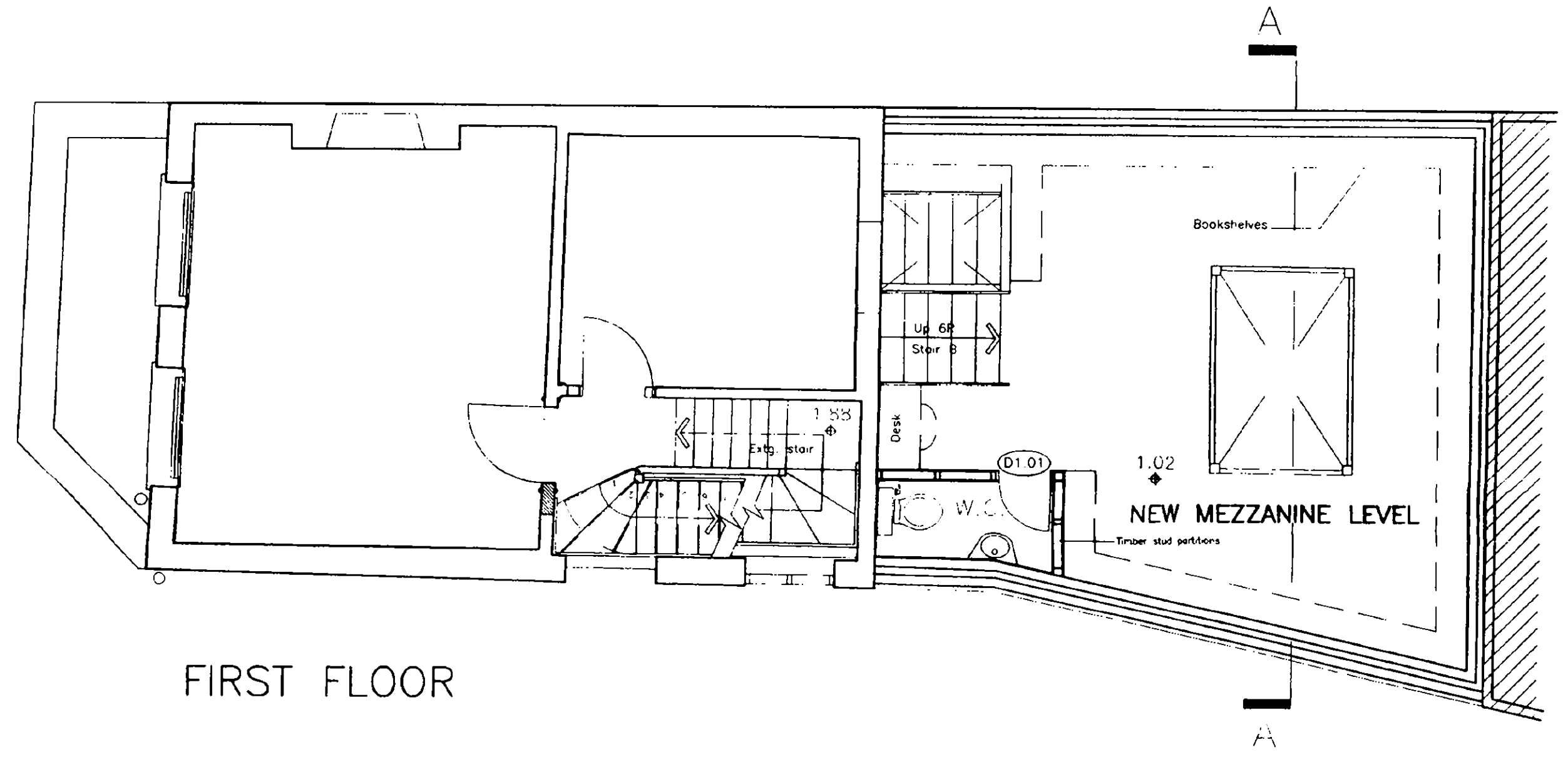


Executive Director, Planning & Conservation

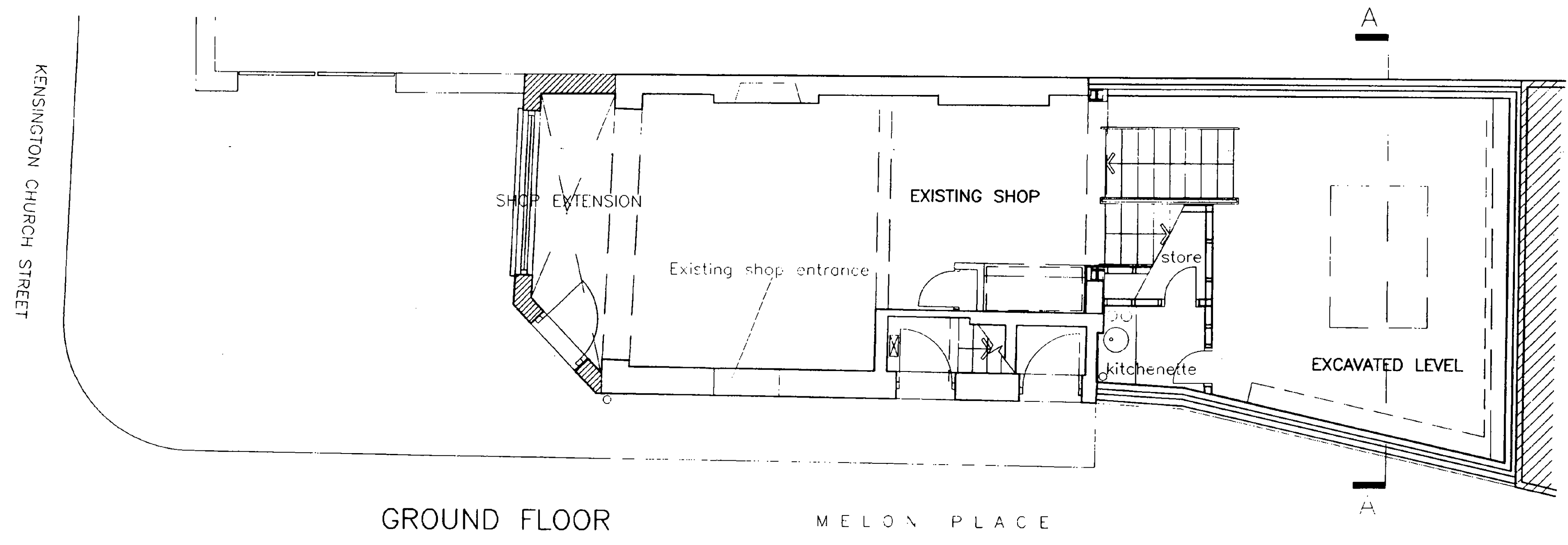
This drawing must not be used for any other purpose. Figured dimensions, levels, etc. are to be used. Any inaccuracies, etc. must be notified to the Architect. This drawing is copyright. Detail drawings and larger drawings take precedence over smaller scaled drawings.



SECOND FLOOR



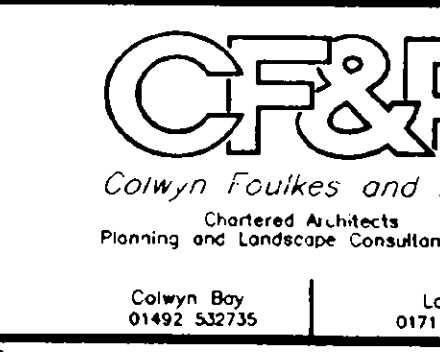
FIRST FLOOR



GROUND FLOOR

Revisions

No.	Date	Details
A	16xii98	Planner's copy incorporated, 1) Rooflight



Project
64 KENSINGTON CHURCH STREET

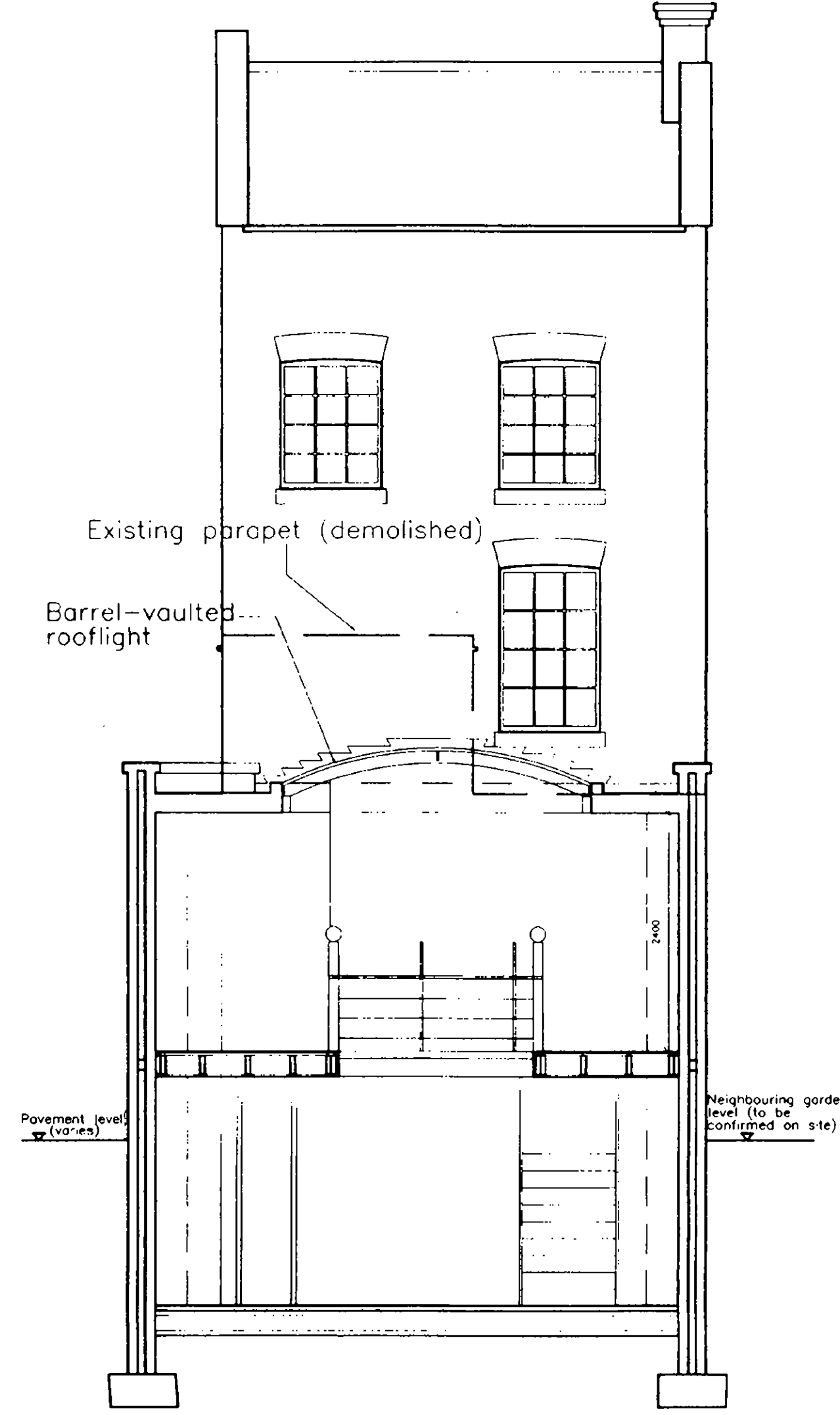
Title
PLANS OF PROPOSALS

Drawn	Date	Checked
MAS	23.10.98	

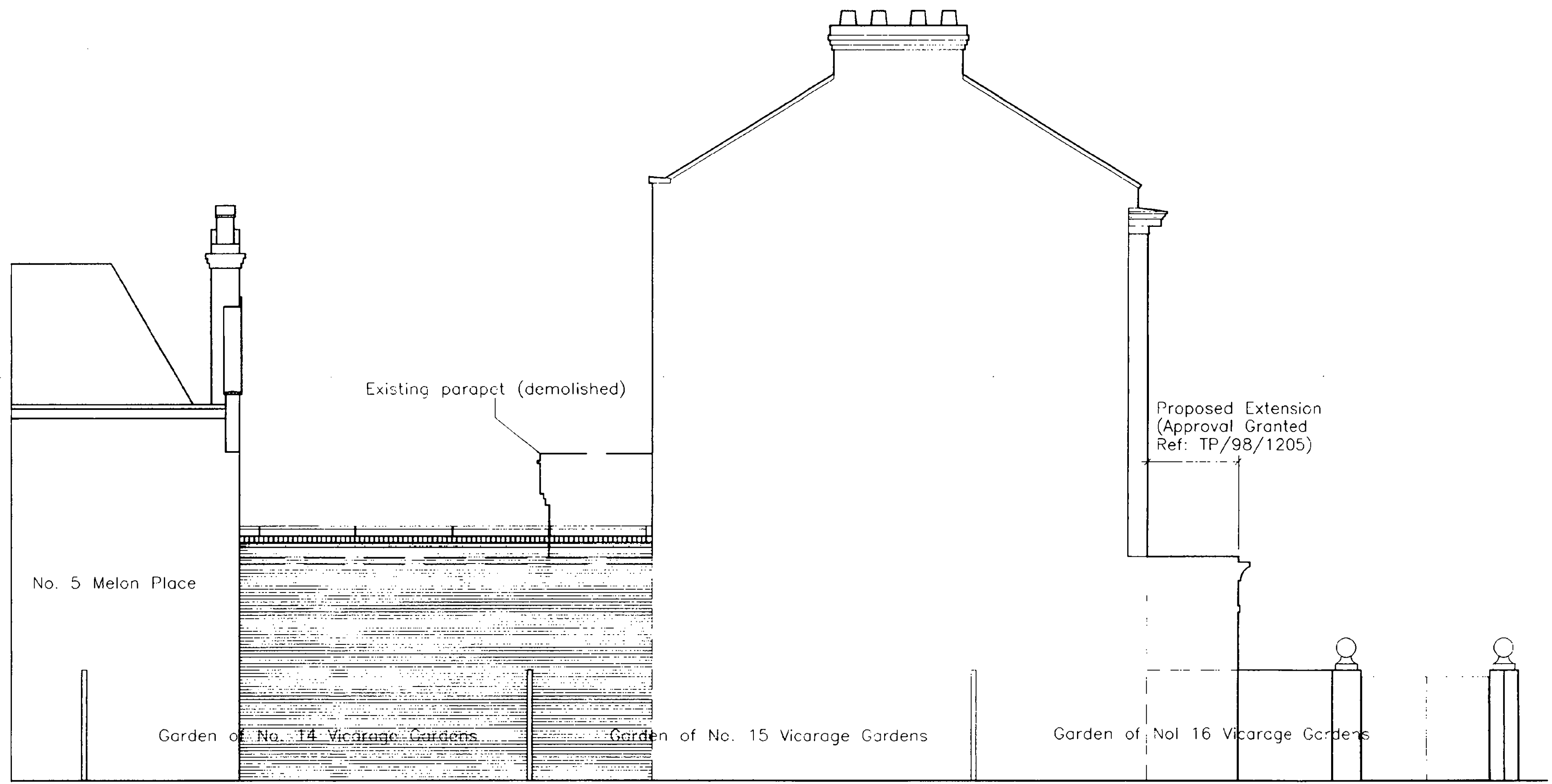
Drawing No.
L-243/L(0)70 Rev A

Scale
1:50

This drawing must not be used for any other purpose than that for which it is intended. Any inaccuracies, etc. must be notified to the Architect. This drawing is copyright. Detail drawings and larger scale drawings take precedence over smaller scaled drawings.

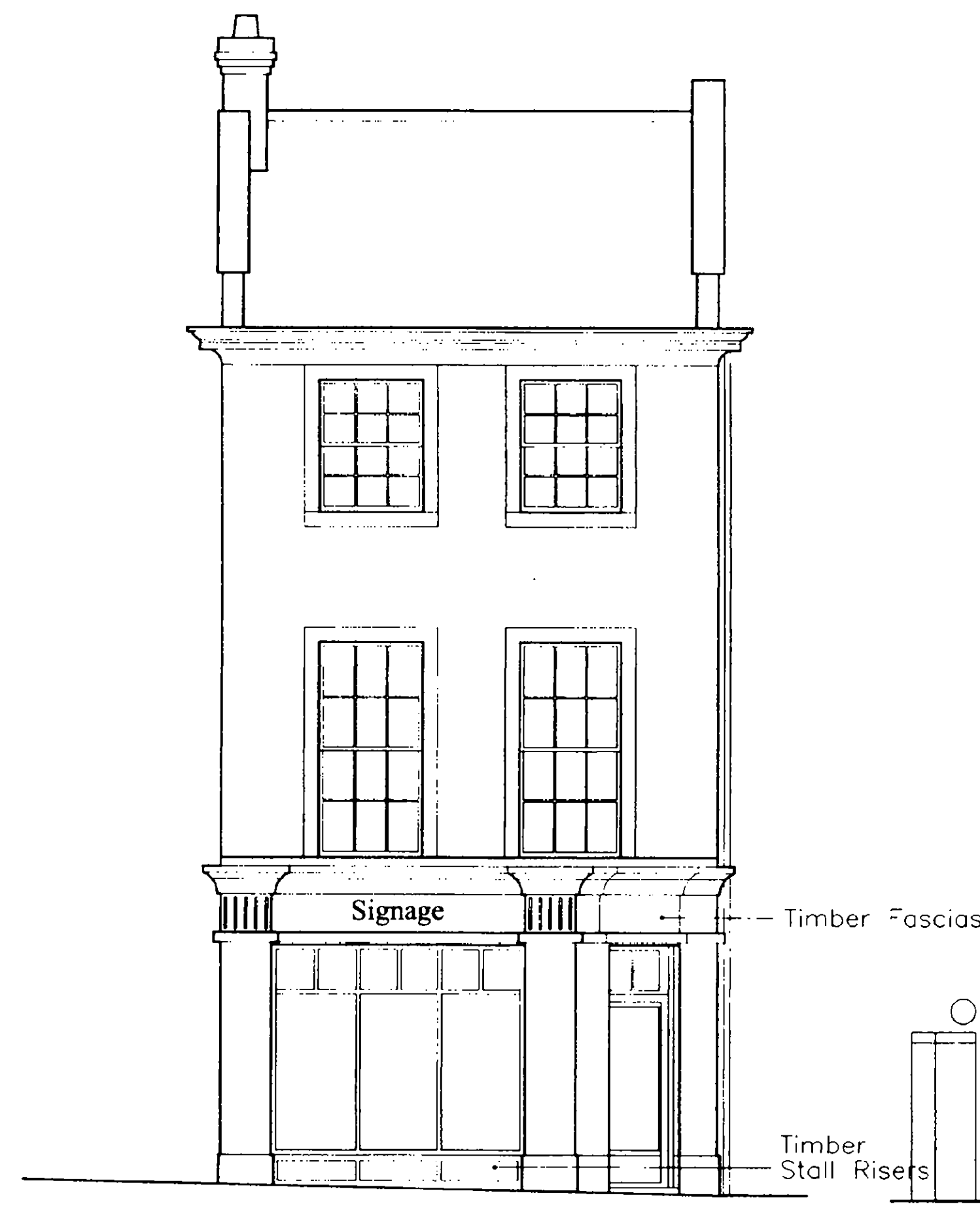


EAST ELEVATION/SECTION A-A

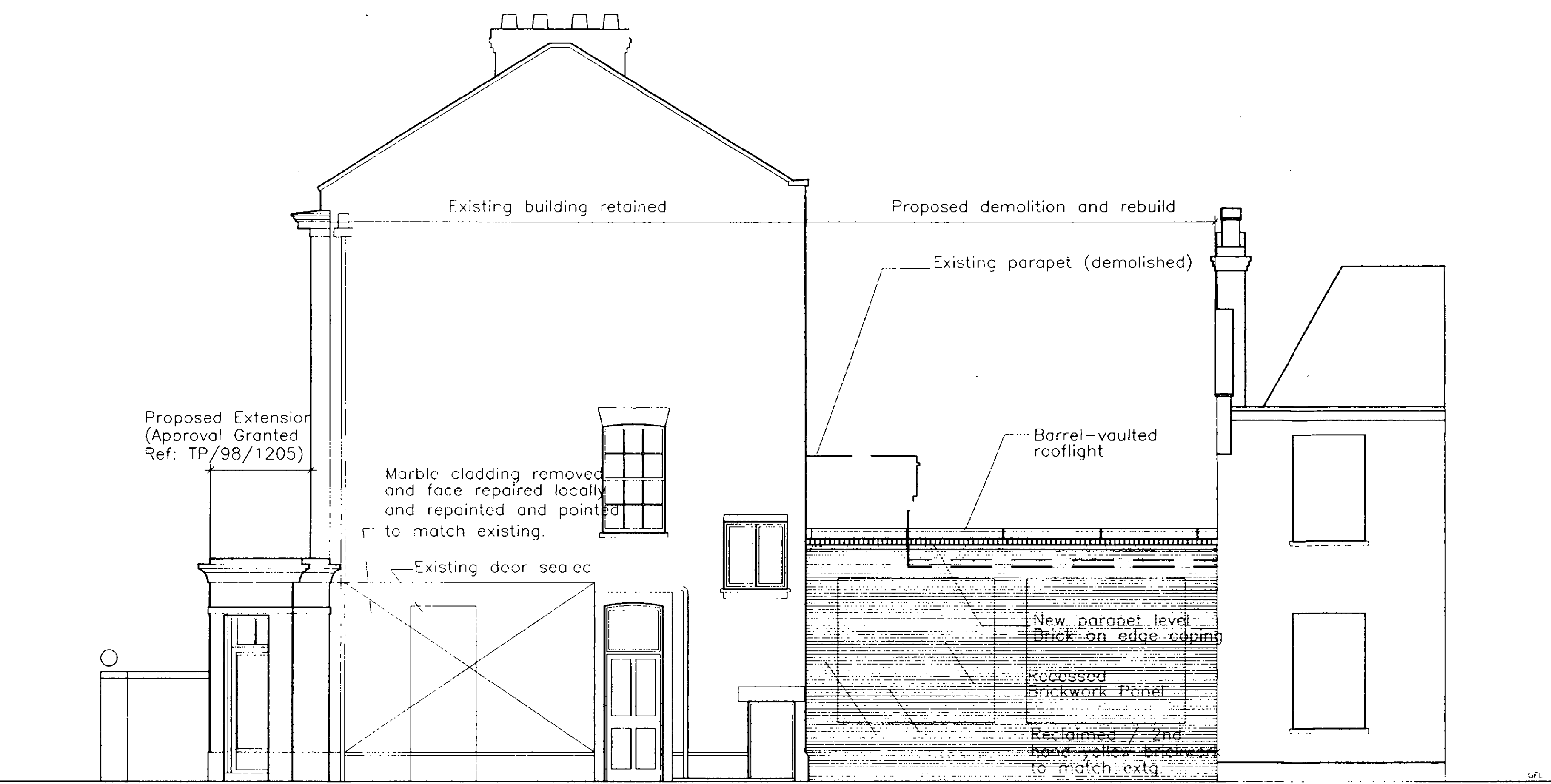


NORTH ELEVATION

No. 64/64a Kensington Church Street



WEST ELEVATION



SOUTH ELEVATION

No. 64/64a Kensington Church Street

No. 5 Melon Place

Revisions		
No.	Date	Details
A	16xii98	Planner's comm incorporated, in 1) Rooflight amended 2) Existing window retained 3) Rear extension relief amended

CF&P
Colwyn Foulkes and Partners
Chartered Architects
Planning and Landscape Consultants
Colwyn Bay 01492 532755 London 0171 938 2424

64 KENSINGTON CHURCH STREET

Title
ELEVATIONS OF PROPOSALS & SECTION A-A

Drawn	Date	Checked
MAS	23.10.98	

Drawing No.
L-243/L(0)/1 Rev A

Scale
1:50

E:\1-243\DWG\Phase 11\58\243-71.dwg Wed Dec 16 13:18:32 1998

23 SEP 1998

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING SERVICES COMMITTEE

23/09/98

APPLICATION NO.

AGENDA ITEM

TP/98/1205/K/35

2138

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

Application dated 22/06/98

Colwyn Foulks & Partners
229 Kensington High Street,
London, W8 5SA

**RECOMMENDATION
ADOPTED**

Received 27/08/98

Completed 24/06/98

Polling Ward IA31

ON BEHALF OF : Mr. A. Harrington,
INTEREST : Owner of shop

District Plan Proposals Made:

Cons. Area	CAPS	Article 4 Direction	Listed Building	HBMC Direction	A/O Consulted	Objectors (to date)
7	YES	NO	NO	NO	10	5

RECOMMENDED DECISION :-

GRANT planning permission for the erection of an extension at the front of the shop and rebuilding the rear extension at ground floor level.

At: 64/64A KENSINGTON CHURCH STREET, KENSINGTON, W.8

As shown on submitted drawing(s) No(s): TP/98/1205 and TP/98/1205/1

Applicant's drawing(s) No(s) : L-243/L(0)23, 30, 31, 32, 33

CONDITIONS

1. C.1
2. C.68
3. The shopfront windows and pilasters to the shop shall be constructed in painted timber and so maintained.
4. A plan or section along the line of the rear extension shall be submitted showing the projection of the pilaster indicated by the Executive Director, Planning and Conservation, on drawing No. L-243/L(0)31, and this shall be agreed in writing by the Executive Director, Planning & Conservation before work commences on site.
5. Samples of the following shall be submitted to and approved in writing by the Executive Director, Planning and Conservation, prior to the commencement of works on site:
 - (a) the new brickwork for the rebuilt extension
 - (b) the roofing material of the new extension
6. C.80

7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the local planning authority. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the local planning authority.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. R.1 2. R.68 3-5. R.71 6. R.79
7. In order to protect the archaeological interest of the site.

INFORMATIVES

1. I.11 2. I.21 3. I.30
4. The development of this site is likely to impact upon archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

1.0 Site

1.1 No. 64/64A Kensington Church Street is located on the East side of the street, between Melon Place and Vicarage Gardens. The property stands alone, fronting Kensington Church Street and backing onto the side of the properties in Melon Place.

1.2 The property comprises a ground floor retail unit and two upper residential floors.

~~1.3 The property is within the Kensington Palace (Conservation) Area. It is not a Listed Building.~~

2.0 The Proposal

2.1 Planning permission is sought for the erection of an extension to the front of the shop at ground floor level and rebuilding of the existing extension at the rear of the property to include a mezzanine floor, with a rooflight over the rebuilt extension.

3.0 Planning History

3.1 Planning permission was granted on 23rd December 1964 for the installation of a new shopfront and erection of a rear extension.

3.2 Planning permission was granted on 7th November 1997 for the rebuilding of the flank elevations of the building.

4.0 Planning Considerations

4.1 The main considerations with regard to the rear extension are the detail of the extension and its effect on levels of amenity enjoyed by the occupiers of properties to the East and North. With regard to the front extension, the main considerations are the detail of the proposal and its effect on public access across the paved area in front of the present shop. With regard to both elements of the proposal, the effect of the scheme on the character and appearance of the Conservation Area is an important consideration.

4.2 The relevant policies are included in the "Conservation and Development" Chapter of the Unitary Development Plan, in particular Policies CD25, CD28, CD44, CD52 and CD53.

~~4.3 At present, the property has a rear extension which covers the whole of the plot to the rear of the main part of 64/64A and abuts No. 5 Melon Place and 15 Vicarage Gardens.~~

- 4.4 It is proposed to rebuild this on the same footprint in reclaimed second hand brickwork with a brick on edge parapet. The extension would have a shallow pitched roof with Conservation style rooflights set flush with the plane of the terne-coated steel roof. The detail of this extension is considered acceptable and it is considered that it would preserve the character and appearance of the Conservation Area in compliance with the aims of Policies CD52 and CD53.
- 4.5 There would be no increase in the height of the extension on the parapets to Melon Place, nor to Vicarage Gardens. The pitched roof is set in the centre of the extension, parallel with Melon Place, and its highest point is 2.7 metres away from the Vicarage Gardens boundary and only 0.5 metres above the parapet height. It is considered that there would be no significant increase in enclosure to any of the surrounding properties as a result of the rebuilt extension. As such, it is considered that the proposal would comply with the aims of Policy CD28.
- 4.6 With regard to the front extension, this would replace a forward extension to the shop which was single storey and was demolished for road widening in the early 1960's. The extension would project 1.6 metres from the present front of the shop, with a display window fronting onto Kensington Church Street, with a door set at angle. The extension would have a flat roof. The shopfront would be constructed in timber with traditional detail and signwriting.
- 4.7 The detail and projection of the front extension is considered acceptable, and it is considered that it would preserve the character and appearance of the Conservation Area.
- 4.8 With regard to public access, the forward projection of the extension is 1.6 metres. It is considered that since the remaining area of paving exceeds 6 metres at this point, the extension would not result in any impediment to pedestrian movement. In any event, the extension replaces a much larger one which was removed in the past for a road widening scheme which did not take place.
- 4.9 The Transportation Officer has confirmed that the status of the paved area is still under discussion. It provides pedestrian access to No. 64. It is considered that providing any conflict between the extension and any crossover to No. 16 is minimised, no objection is raised to this proposal.
- 4.10 The increase in height of 1.7 metres for a distance of 1.6 metres forward of the existing shop will slightly further enclose the garden of No. 16 Vicarage Gardens. However, it is not considered that this would have any significant effect on levels of amenity presently enjoyed. The bottom of the garden is over 8 metres from the rear boundary of the extension. (Part of this width is occupied by a garden shared between No. 16's garden).

4.10 With regard to disabled access, the door width exceeds 0.8m and the entrance will be level, which is considered acceptable.

5.0 Consultation

5.1 Occupiers of ten neighbouring properties in Kensington Church Street, Vicarage Gardens and Melon Place have been notified of the proposal.

5.2 To date, five letters raising objection to the proposal have been received, two each from Nos. 15 and 16 Vicarage Gardens and one from 5 Melon Place.

5.3 Concern is raised by the occupier of 5 Melon Place that the drainage for Nos. 5 and 6 runs under 64/64A Kensington Church Street.

The architects have indicated that if this proves to be the case following a more detailed survey, the clients would incorporate a newly constructed chamber to maintain the drainage.

5.4 Concern is also raised that the extension would interfere with an access gate to No. 16 Vicarage Gardens. This gate is located at a distance of 2m from the front of the proposed extension. There is also a pedestrian gate approximately 1.5m high recently constructed under permitted development. Since No. 16 already has a pair of gates, it is considered that the blocking of this new gateway would not result in any significant loss of amenity and does not present a planning objection. It would remain to be dealt with as a private matter between the parties concerned.

5.5 Concern is raised that an awning has been erected at the front of No. 64.

This was not evident, nor any sign of the fixings, when the case officer revisited the site.

5.6 The occupiers of No. 15 Vicarage Gardens have commented that the proposed rear extension would result in loss of privacy in their garden.

It is not intended to use the roof of the extension as a terrace, and a condition is recommended that it should not be so used. The pitch of the roof is very shallow, and the rooflights would not allow overlooking to take place.

5.7 Concern is raised by the occupiers of No. 16 Vicarage Gardens that the extension would result in obstruction to the gates which open onto the paved area in front of No. 64.

The nearest part of the gates is approximately 2 metres from the front of the extension and if any vehicular access is required, it is considered that the extension would not obstruct it. It is noted that there was a recent planning application for use of the gates for vehicular access. It is not considered necessary to delay determination of the present application on

No. 64 in order to resolve the outstanding issues with regard to the access to No. 16, since the extension would not obstruct passage from the gates if such is permitted as a result of the ongoing negotiations. The planning application for No. 16 has been withdrawn since it was to remove a condition which has been found to be ultra vires. Legal discussions are ongoing about the status of the paved area at the front of No. 64 and rear of No. 16 Vicarage Gardens.

6.0 Recommendation

6.1 Grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of the file number TP/98/1205 referred to at the head of this report save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

Officer Contact

The above documents can be inspected by prior appointment with Tracey Rust in the Planning Information Office, Room 325, The Town Hall, Telephone 0171-361-2080.

REPORT PREPARED BY: ALS
REPORT APPROVED BY: DT/LAWJ
DATE REPORT APPROVED: 14/09/98

PSC9809/ALS.REP

THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA

PLANNING SERVICES COMMITTEE

13/01/99

APPLICATION NO.

AGENDA ITEM

TP/98/2077/K/45

2004

REPORT BY THE EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

APPLICANTS NAME/ADDRESS

Colwyn Foulkes & Partners,
229 Kensington High Street,
London W8 6SA

Application
dated 28/10/98

Revised

Completed 05/11/98

Polling Ward IA31

ON BEHALF OF : Mr. A Harrington
INTEREST : Owner of shop

District Plan Proposals Map:

Cons. Area	CAPS	Article 4 Direction	Listed Building	HBMC Direction	A/O Consulted	Objectors (to date)
7	YES	NO	NO	NO	11	2

RECOMMENDED DECISION :-

GRANT planning permission for alterations to the scheme approved under reference TP/98/1205 comprising raising the parapets of the rear extension and alterations to the design of the rooflight.

At: 64-64A KENSINGTON CHURCH STREET, KENSINGTON, W.8

As shown on submitted drawing(s) No(s): TP/98/2077 and TP/98/2077/A
Applicant's drawing(s) No(s) : L-2431 L(0)23, 70 rev A,
71 rev A and 72 rev A

CONDITIONS

1. C.1
2. C.68
3. The shop front windows and pilasters to the shop shall be constructed in painted timber and so maintained.
4. A sample of the new brickwork for the rear extension shall be submitted to, and approved in writing by, the Executive Director, Planning and Conservation, prior to the commencement of works on site, and the extension shall only be constructed in brickwork as so approved.
5. C.80

6. Details of the materials and finishes for the glazed rooflight, to include details of blinds to be used to screen the rooflight when lit to avoid glare to surrounding properties, shall be submitted to and approved in writing by the Executive Director, Planning and Conservation, prior to the commencement of works on site.
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Executive Director, Planning and Conservation. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Executive Director, Planning and Conservation.

REASONS FOR THE IMPOSITION OF CONDITIONS

1. R.1 2. R.68 3 & 4 R.71 5. R.79 6. R.71
7. In order to protect the archaeological interest of the site.

INFORMATIVES

1. I.11 2. I.21 3. I.30
4. The development of this site is likely to impact upon archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.

1.0 SITE

- 1.1 No. 64/64A Kensington Church Street is located on the East side of the street, between Melon Place and Vicarage Gardens. The property stands alone, fronting Kensington Church Street and backing onto the side of the properties in Melon Place.
- 1.2 The property comprises a ground floor retail unit and two upper residential floors.
- 1.3 The property is within the Kensington Palace Conservation Area. It is not Listed.

2.0 THE PROPOSAL

- 2.1 Planning permission is sought for alterations to the rear extension permitted under reference TP/98/1205, comprising raising the parapet walls and changing the design of the rooflight. The front extension proposed is identical to that already approved under reference TP/98/1205.
- 2.2 There is a second planning application which shows identical details of the rear extension, but also includes a further extension at the front of the property. This is still under consideration.

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission was granted on 23rd December 1964 for the installation of a new shop front and erection of a rear addition.
- 3.2 Planning permission was granted on 7th November 1997 for the rebuilding of the flank elevation.
- 3.3 Planning permission was granted on 25th September 1998 for the erection of an extension to the front of the shop at ground floor level, and for the rebuilding of the rear extension including formation of a new mezzanine level.

4.0 PLANNING CONSIDERATIONS

- 4.1 The main considerations are the detail of the proposed rear extension, its effect on the character and appearance of the conservation area, and its effect on levels of amenity enjoyed by the occupiers of neighbouring properties.
- 4.2 The relevant policies are included in the "Conservation and Development" chapter of the Unitary Development Plan, in particular Policies CD28, CD41, CD52 and CD53.

4.3 The proposal relates to a rear extension, hence Policy CD41 is relevant, being:

"Normally to resist proposals for rear extensions if:

- (a) The extension would extend rearward beyond the general rear building line of any neighbouring extensions;
- (b) The extension would significantly reduce garden space of amenity value, or spoil the sense of garden openness when viewed from properties around;
- (c) The extension would rise above the general height of neighbouring and nearby extensions, or rise to or above the original main rear eaves or parapet;
- (d) The extension would not be visually subordinate to the parent building;
- (e) On the site boundary, the extension would cause an undue cliff-like effect or sense of enclosure to neighbouring property;
- (f) The extension would spoil or disrupt the even rhythm of rear additions. Full width extensions will not usually be allowed (except in some cases at garden level);
- (g) The adequacy of sunlight and daylight reaching neighbouring dwellings and gardens would be impaired, or existing below standard situations made significantly worse (See Planning Standards and Controls Chapter);
- (h) There would be a significant increase in overlooking of neighbouring properties or gardens;
- (i) The detailed design of the addition, including the location or proportions or dimensions of fenestration or the external materials and finishes, would not be in character with the existing building (some exception may be allowed at basement level)."

4.4 The rear extension which was approved in September 1998 would reach to a height of 3.5m above pavement level on the South elevation to Melon Place. It is proposed to raise both the South and North parapets by 0.3m. A rooflight, in the form of a barrel vault, would be provided to top-light the upper floor of the extension. The overall height of the extension, including its basement, would be 5.7m and would provide more space for the retail shop.

4.5 In addition to the slight increase in the height of the extension, the design of the rooflight has been altered to a lower barrel vault, which, despite the increase in the height of the extension, would enable the original first floor window of the main building to be retained. On the South elevation, fronting onto Melon Place, two brick panels would be incorporated as a feature in the wall.

- 4.6 The detail of the extension is considered to be acceptable, and it is considered that it would preserve the character and appearance of the conservation area.
- 4.7 With regard to amenity, the flank wall of No. 5 Melon Place has no windows, and it is considered that the slight increase in the height of the extension would not result in any significant loss of amenity. The extension abuts the gardens of 14 and 15 Vicarage Gardens. It is considered that to raise the wall of the extension by 0.3m adjacent to these gardens would not result in any significant increase in the enclosure of the gardens. Further, the extension would be top lit with a barrel vaulted rooflight, which is almost entirely below the level of the parapet and would thus not result in any loss of privacy to any adjoining occupiers.
- 4.8 As stated previously, the front extension is identical to that which has already been approved, with a timber stall riser and fascias and projecting 1.5m from the front elevation of the shop.
- 4.9 Overall, it is considered that this proposal, which represents a minor variation to the scheme approved under reference TP/98/1205, is considered acceptable both with regard to its effect on the character and appearance of the conservation area and with regard to its effect on levels of amenity enjoyed by the occupiers of neighbouring residential properties.

5.0 CONSULTATION

- 5.1 Occupiers of eleven neighbouring properties in Vicarage Gardens, Kensington Church Street and Melon Place have been notified of the proposal.
- 5.2 Occupiers of two adjoining properties have raised objection to the proposal, one of them in three separate letters.
- 5.3 The occupier of No. 16 Vicarage Gardens, adjacent to the North has commented that any extension to the front of the property would conflict with the use of his gates.

The present proposal includes only the same degree of front extension which has already been approved. This would remove access to a 1.5m high pedestrian gate only, which is a recent item which has been added in the boundary wall.

- 5.4 Concern is also raised at refuse being left on the pavement by the owner of the shop.

This has been resolved, and the refuse is now placed in Melon Place.

- 5.5 The occupier of No. 5 Melon Place, to the East of the site also raises concern at the extent of the front extension. Concern is also raised that the proposal would result in a significant increase in the size of the shop, and would thus constitute

overdevelopment. The objection is also concerned that any concerns he raises would be taken into account when the application is determined.

- 5.6 Concern is raised that the extension would have a steeply pitched roof which would substantially increase its volume. Further, the scheme of alterations to the building would change its character, to the detriment of the area. The objector also asks if objectors are entitled to appeal against planning approvals.

With regard to the design of the extension, the rooflight has been amended and would now be of a shallow pitched barrel vaulted design. The current proposal represents a minor alteration to the scheme which was approved in September 1998. With regard to the objector's last point, under current planning legislation, there is no opportunity for objectors to appeal against any grant of planning permission.

6.0 RECOMMENDATION

- 6.1 Grant planning permission.

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Background Papers

The contents of the file number TP/98/2077 referred to at the head of this report save for exempt or confidential information as defined by the Local Government (Access to Information) Act, 1985.

Officer Contact

The above documents can be inspected by prior appointment with Tracey Rust in the Planning Information Office, Room 325, The Town Hall, Telephone 0171-361-2080.

REPORT PREPARED BY: ALS
REPORT APPROVED BY: DT/LAWJ
DATE REPORT APPROVED: 21/12/98

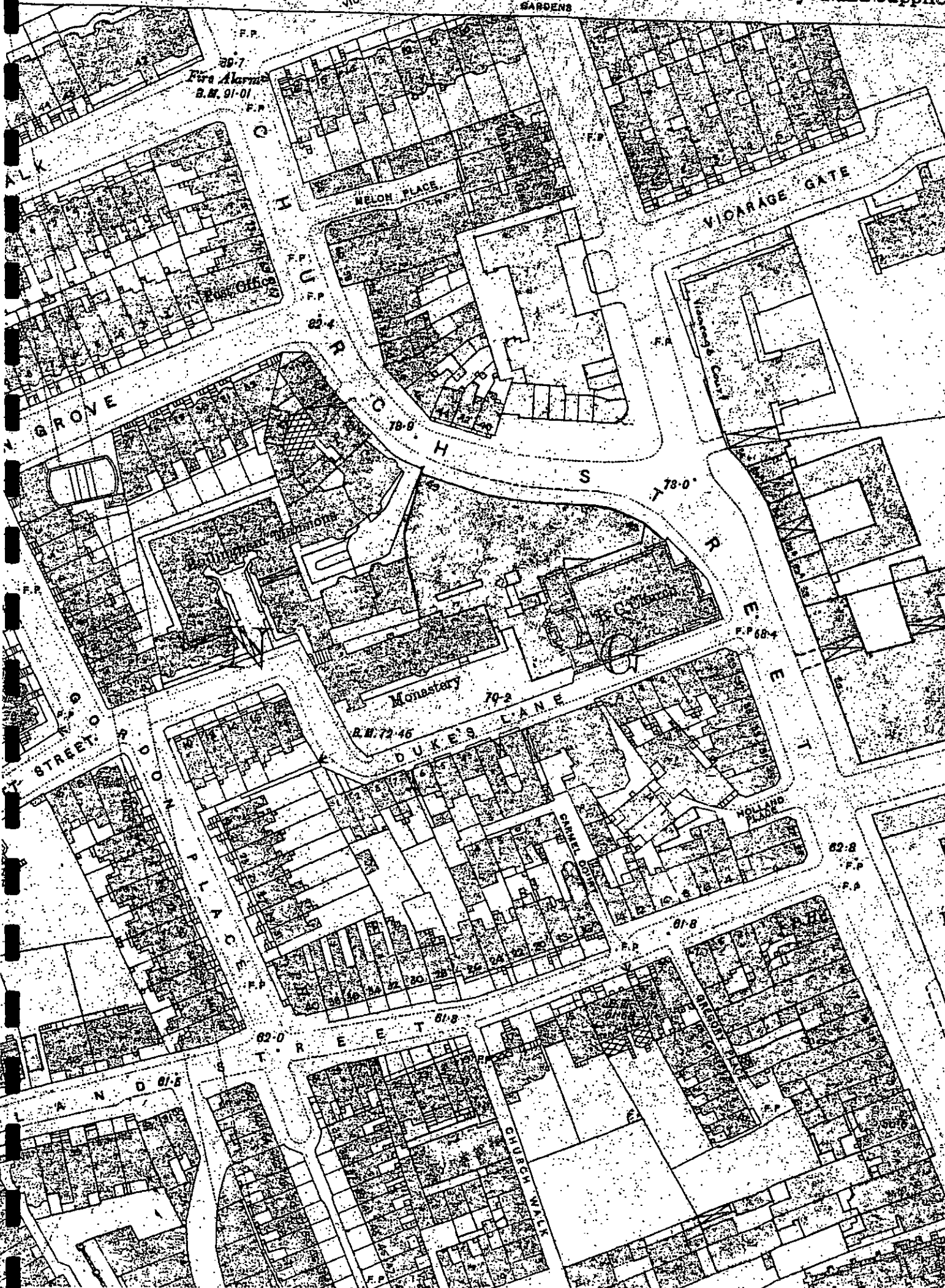
PSC9901/ALS.REP

Metropolitan
Railway

Church Lane

Vicarage Gardens





29-7
Fire Alarm
B.M. 91-01

MELON PLACE

VICARAGE GATE

GROVE

Monastery

DUKE'S LANE

STREET

HOLLAND PLACE

T. R. E. E. T.

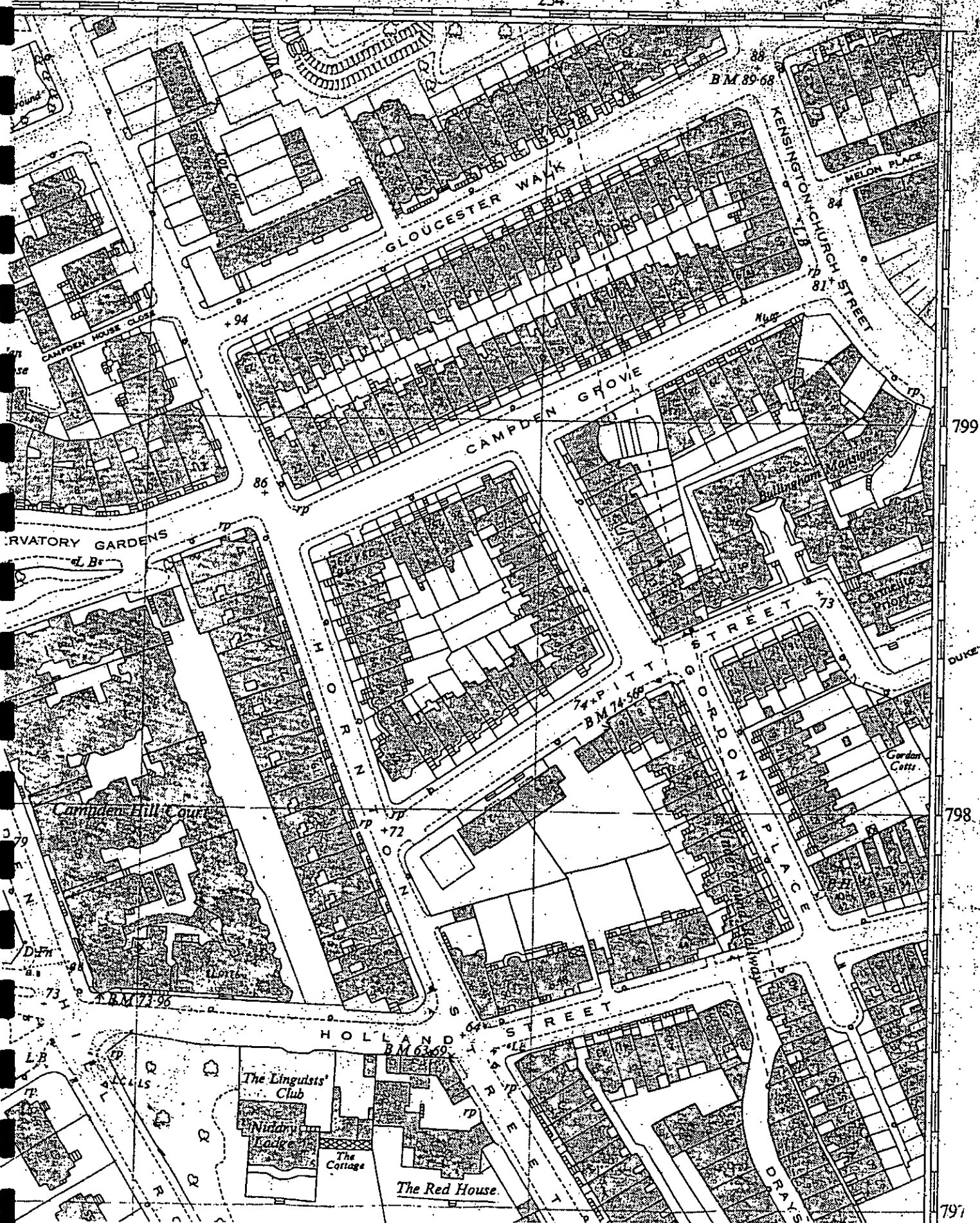
ST. MARY ABBOTS

inches to 1 mile

Revised February 1962
Levelled 1954
Revised JUNE 1967

OS PLAN TQ
1962

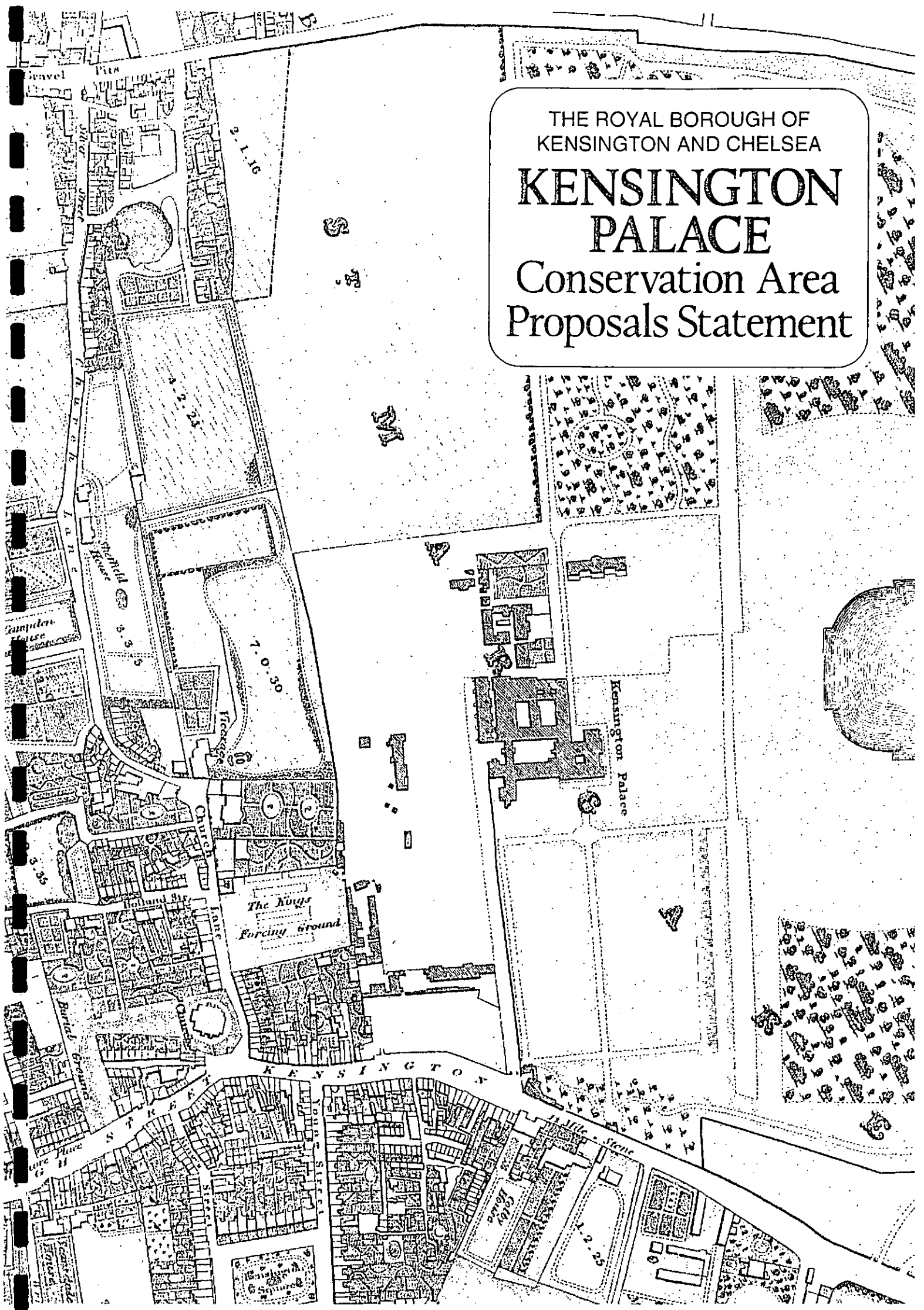
KENSINGTON MET B & PH



THE ROYAL BOROUGH OF
KENSINGTON AND CHELSEA

KENSINGTON PALACE

Conservation Area
Proposals Statement





B5: 2 Kensington Church Street

The raising in height of this property to fol-

low more closely the height of the adjacent property in Kensington Church Street would improve its appearance, restore consistency to cornices and rooflines, mask the backs and sides of adjacent property and remove the need for prominent shoring.

B6: Old Court Place: see E2:

B7: 26-40 Kensington High Street

The unfortunate effect of the mezzanine floor above the shopfronts in this block is compounded by the current state of one or two of the shop units. Sales on the forecourt of one particular unit have given rise to complaints.

This block is identified by the UDP as an integral part of the core shopping frontage of Kensington High Street. It deserves careful consideration in terms of its appearance and operation appropriate to this status and to the aims of the Conservation Area.

PROPERTY ENHANCEMENTS: CURTILAGES

C1: Czech Centre

The overhanging end elevation of the Czech Centre unfortunately leaves nothing of interest for the passer-by. Furthermore, the rest of the Centre's frontage to Palace Gardens Terrace has never been satisfactorily resolved in visual terms since nos. 134-138 were demolished. This short section of road is thus one which has to be endured rather than enjoyed. The improvement of the Centre's end elevation is being considered as part of the programme for the enhancement of Notting Hill Gate but the whole frontage could well be considered with the footpaths and the bus stop to introduce a little delight and human scale.

accidental note at odds with the discipline of the surrounding architecture. Screening could be improved for the benefit both of occupants and of passers-by and could easily be made acceptable in visual terms.

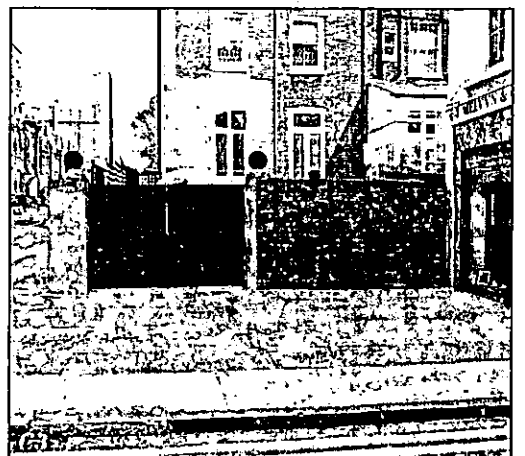
C2: Broadwalk Court, Palace Gardens Terrace

This prominent block of flats, a recent addition to the Conservation Area, has a generally neat forecourt. The elevation to Rabbit Row, however, has Paladin bins very much in evidence: their screening or otherwise appropriate accommodation would improve the appearance of the Court from all viewpoints.



C3: 16 Vicarage Gardens

The side and rear garden frontage of this property are prominent features of Kensington High Street. While the ball finials to the rear gates are attractive, the gates themselves are rather utilitarian and the garden fencing strikes a suburban and





5.

Photograph 5. Looking North along Kensington Church Street towards the rear of 16 Vicarage Gardens.



**Town Planning
Consultancy**

90227



3.

Photograph 3. Looking North West across Melon Place towards the rear of 16 Vicarage Gardens.



4.

Photograph 4. Looking East across Kensington Church Street towards 64/64a Kensington Church Street.





1.

Photograph 1. Looking North East across Kensington Church Street towards 64/64a Kensington Church Street and 15 and 16 Vicarage Gardens.



2.

Photograph 2. Looking East North East across Kensington Church Street towards the front of 64/64a Kensington Church Street.



**Town Planning
Consultancy
99227**

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Email:london@tpcltd.co.uk

199 Bath Street
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Tel:0141-248-8441
Fax:0141-248-6121
Email:glasgow@tpcltd.co.uk

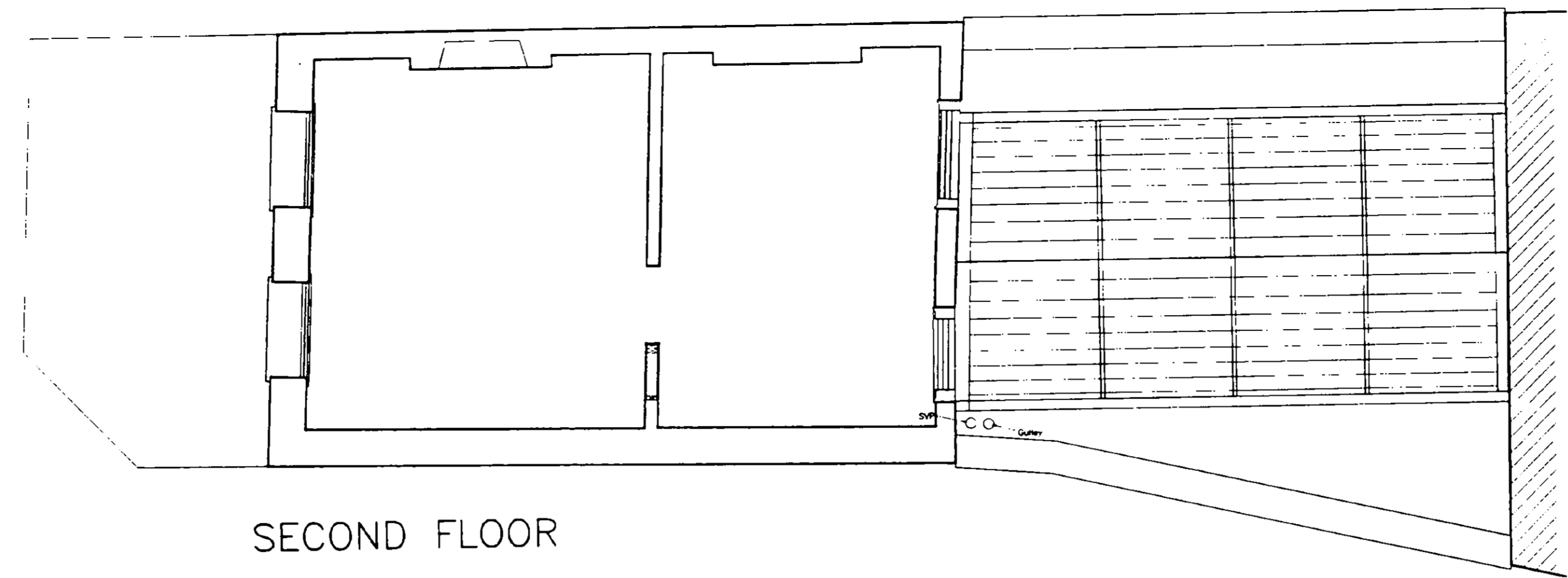
P a r k H o u s e
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Fax:01222-668-622
Email:cardiff@tpcltd.co.uk

53 The Calls
Leeds LS2 7EY
Tel:0113-398-0800
Fax:0113-398-0801
Email:leeds@tpcltd.co.uk

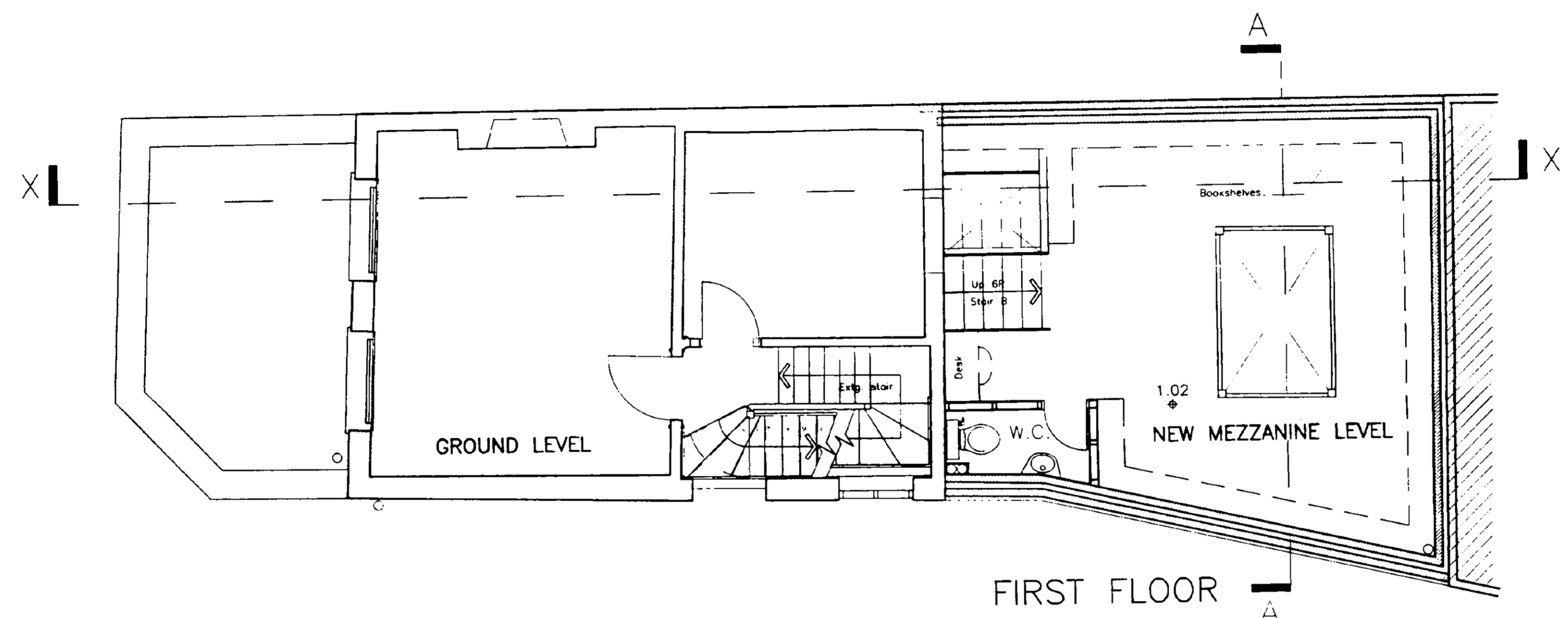
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Notes

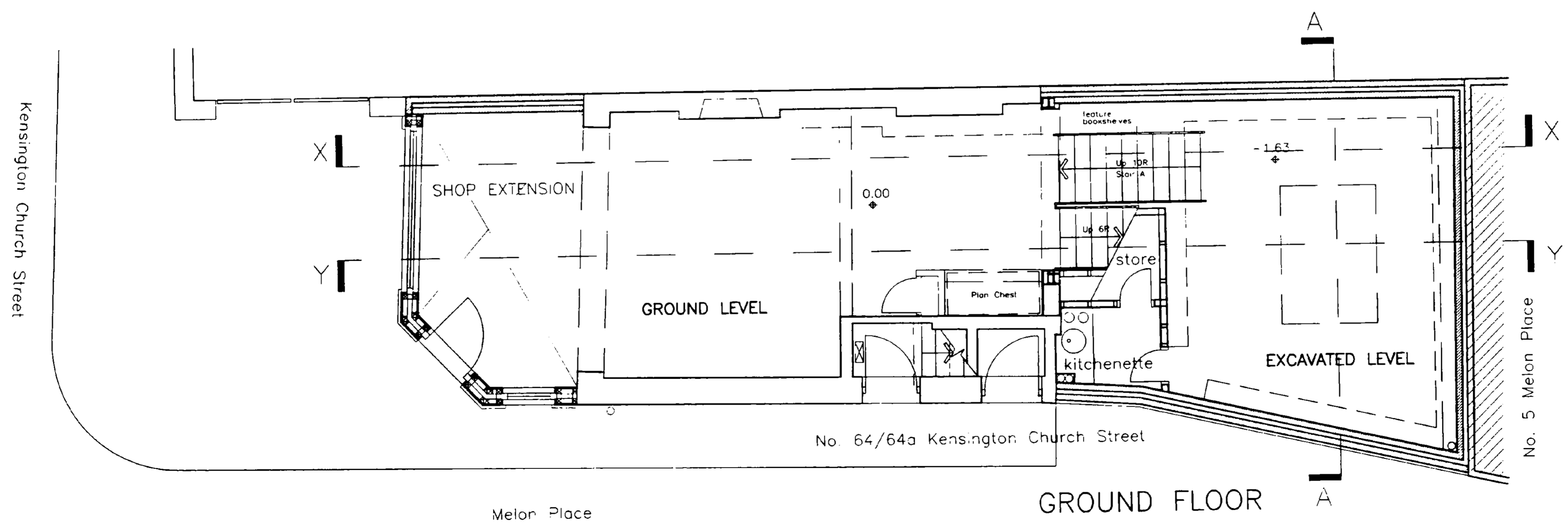
Revisions		
No.	Date	Details
A	16xii98	Planner's comments incorporated, including 1) Rooflight area



SECOND FLOOR



FIRST FLOOR



GROUND FLOOR

16/12/98
 R.B.K. & C.
 TOWN PLANNING
 16 DEC 1998
 RECEIVED

CF&P
 Caiwyn Foulkes and Partners
 Chartered Architects
 Planning and Landscape Consultants
 Caiwyn Bay
 01492 332735
 London
 0171 937 937

Project
 64 KENSINGTON CHURCH STREET

Title
 PLANS OF PROPOSALS

Drawn	Date	Checked
MAS	23.10.98	

Drawing No.
 L-243/L(0)80 Rev A

Scale
 1:50

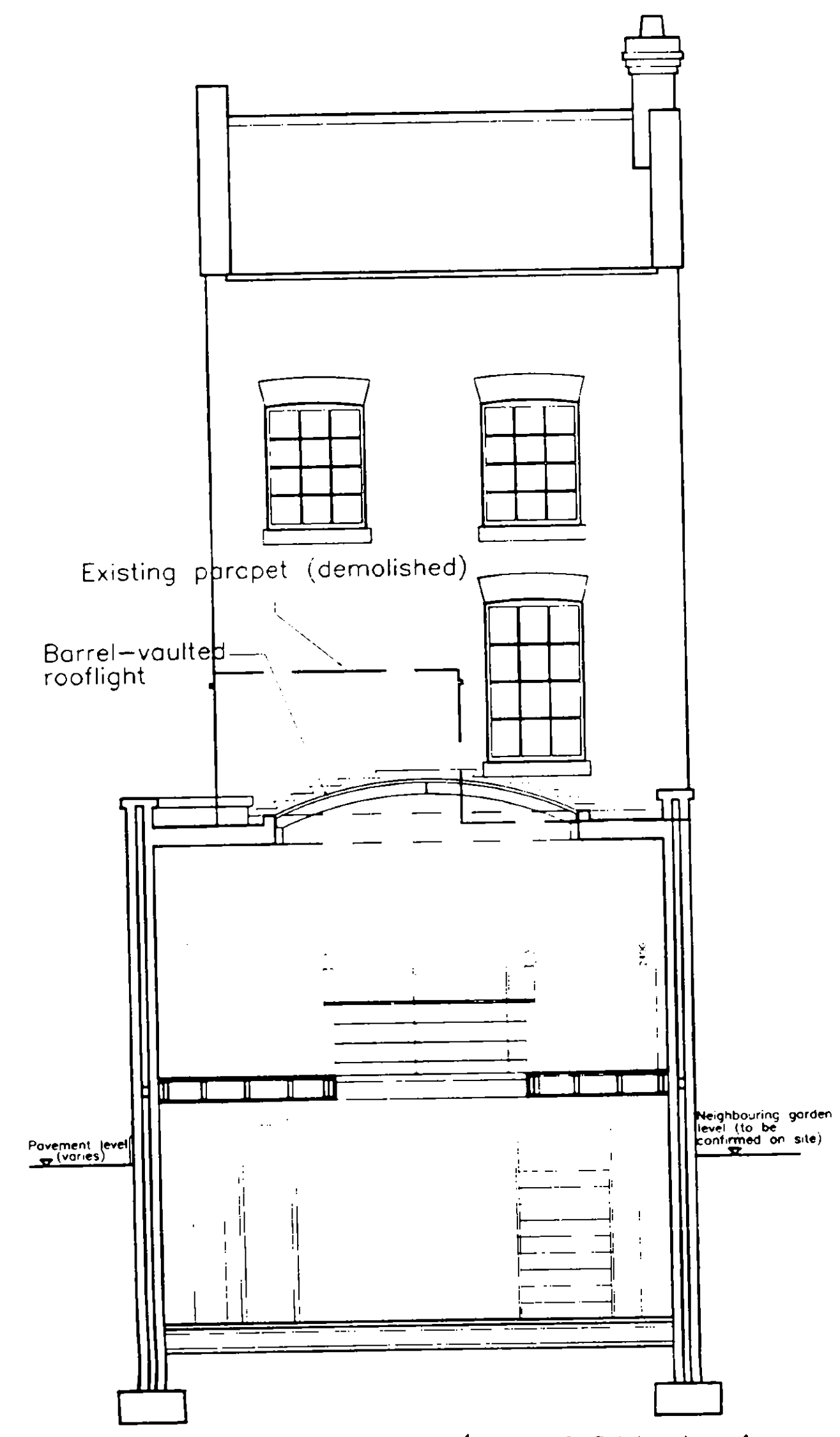
I:\11-243\006\Phase 11\11-243-00.dwg 16 Dec 16 13:15:40 1998

This drawing must not be used for any other purpose. Figured dimensions, levels, etc. are to be used. Any inaccuracies, etc. must be notified to the Architect. This drawing is copyright. Detail drawings and larger scale drawings take precedence over smaller scaled drawings.

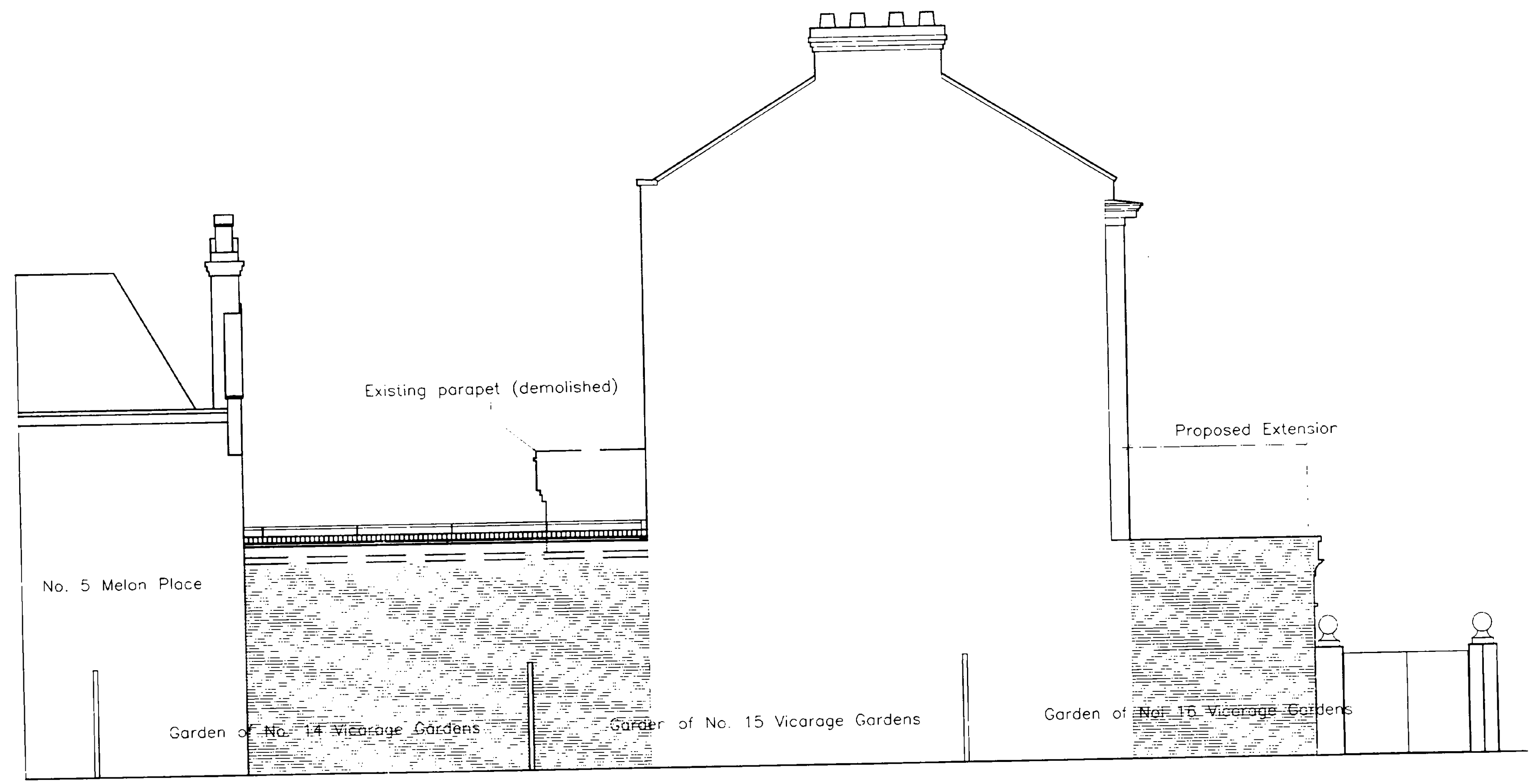
Notes:

Revisions

No.	Date	Details
A	16xii98	Planner's comments incorporated, in 1) Rooflight and 2) Existing window retained 3) Rear extension relief amen

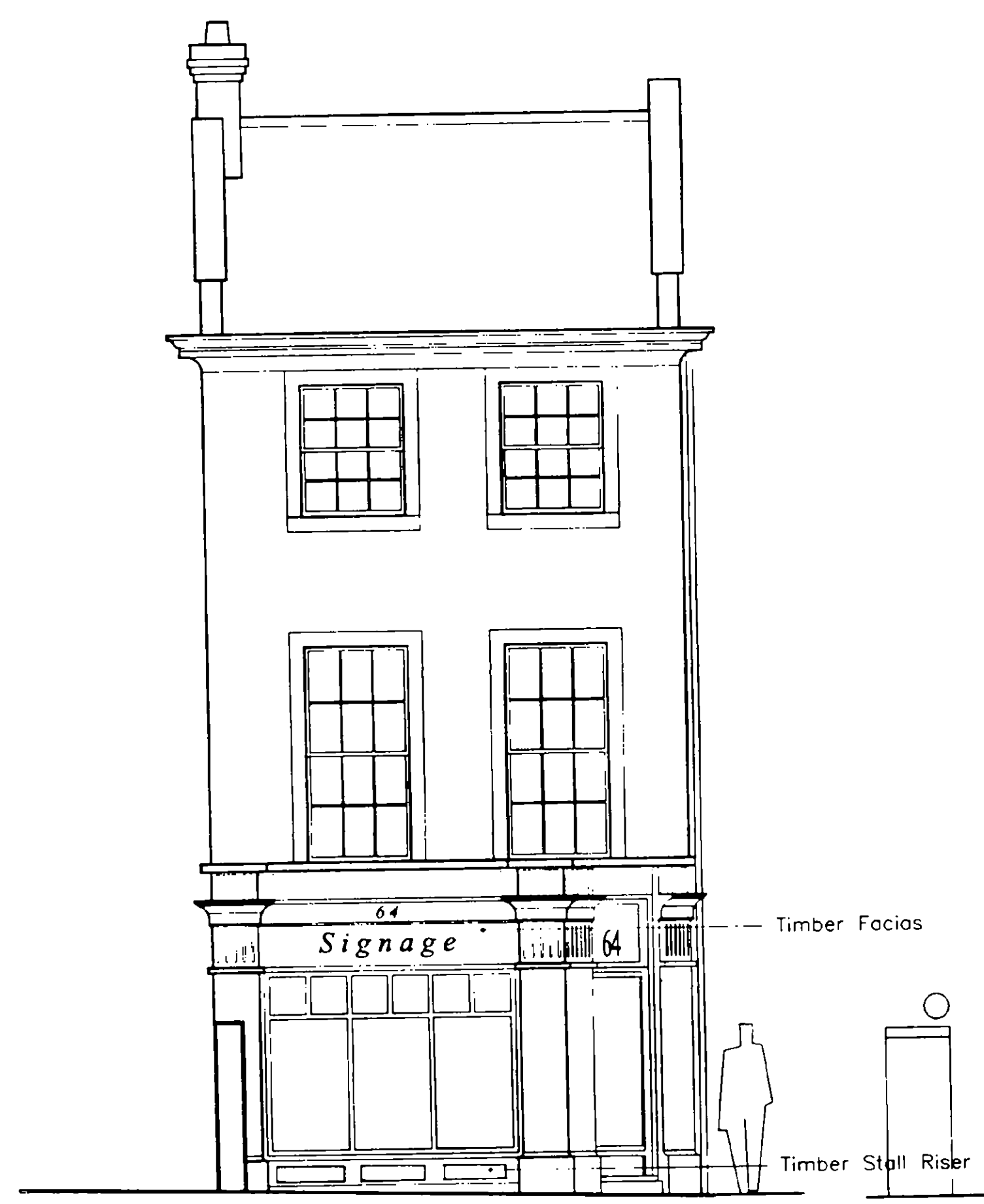


EAST ELEVATION/SECTION A-A

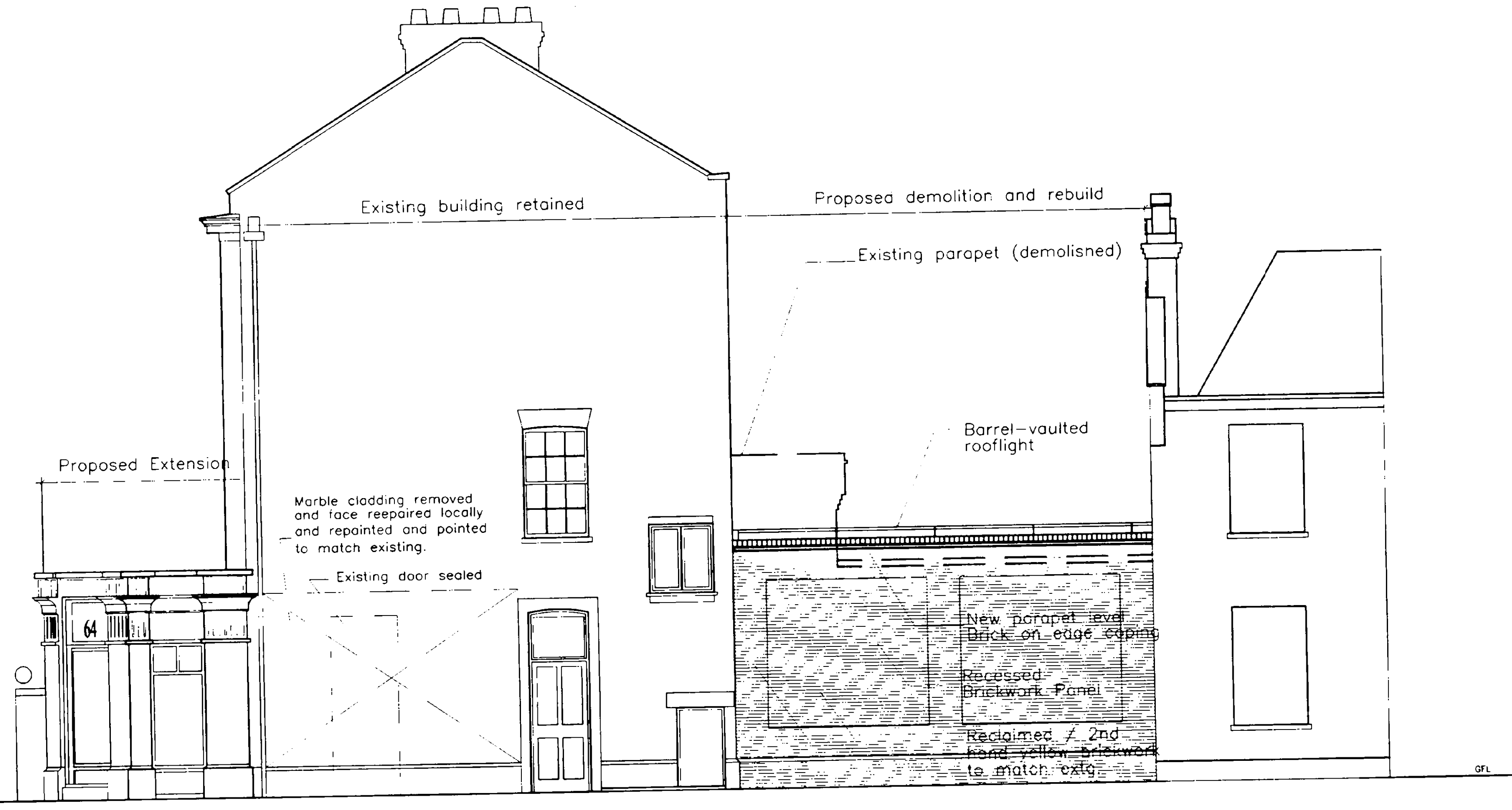


NORTH ELEVATION

No. 64/64c Kensington Church Street



WEST ELEVATION



SOUTH ELEVATION

No. 64/64a Kensington Church Street

No. 5 Melon Place

R.P.K. & C.
TOWN PLANNING
18 DEC 1998
RECEIVED

CF&P
Colwyn Foulkes and Partners
Chartered Architects
Planning and Landscape Consultants
Colwyn Bay
01492 530755

Project
64 KENSINGTON CHURCH STREET

Title
ELEVATIONS OF PROPOSALS & SECTION A-A

Drawn
MAS
Date
23.10.98

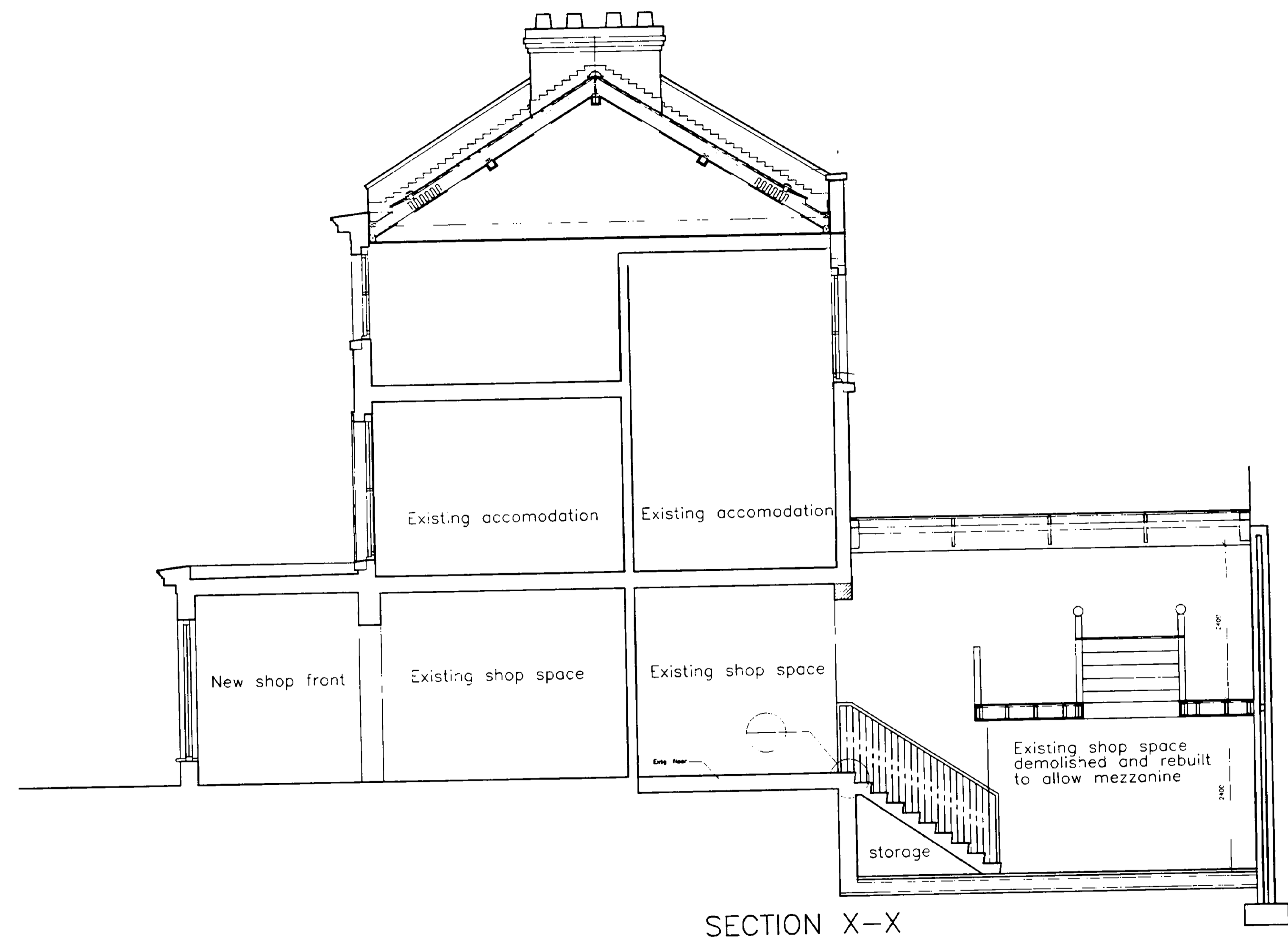
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L-243/L(0)81 Rev A

Scale
1:50

I: AL-243/06/Phase 11/58/243-61.dwg Wed Dec 16 13:15:10 1998

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Note:



SECTION X-X

Revisions

No.	Date	Details
A	16xii98	Planner's comm incorporated, in 1) Rooflight am 2) Existing wind retained

DELEGATED
 M.P.
 22 JAN 1999
REFUSAL

7/198/20
 R.B.K & C.
 TOWN PLANNING
 18 OCT 1998
 RECEIVED

CF&P
 Colwyn Foulkes and Partners
 Chartered Architects
 Planning and Landscape Consultants
 Colwyn Bay
 01492 532735

Project
 64 KENSINGTON
 CHURCH STREET

Title
 SECTION X-X
 OF PROPOSAL

Drawn MAS	Date 23.10.98	Ch
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Drawing No.
 L-243/L(0)82 Rev A

Scale
 1:50

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NOTES

Revisions	
No.	Date
A	16xii198

Planner's comments incorporated, inc. 1) Rooflight amended

DELEGATED
M.A.
22 JAN 1999
REFUSED

R.B.K. & C.
TOWN PLANNING
16 MCC 938
RECEIVED

7/148/2578A

CF&P
Colwyn Foulkes and Partners
Chartered Architects
Planning and Landscape Consultants
Coburn Bay
01492 53295
Lennon
0171 938 7444

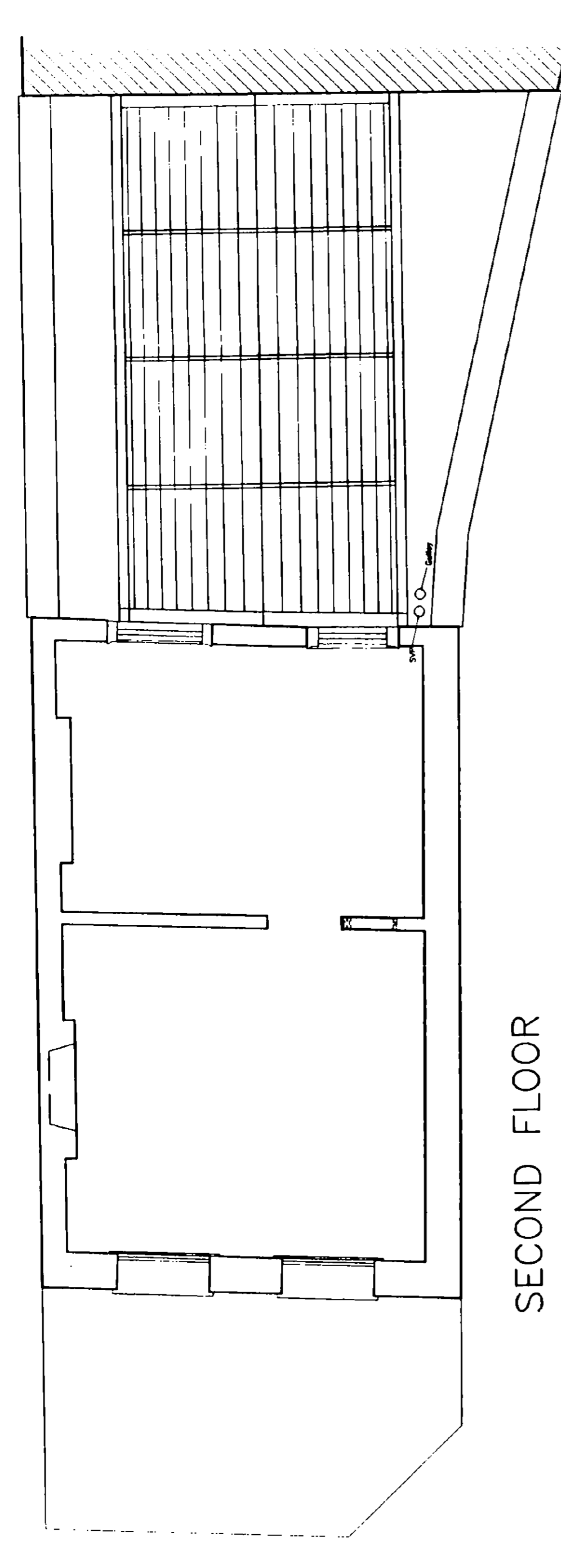
Project
64 KENSINGTON
CHURCH STREET

Title
PLANS OF
PROPOSALS

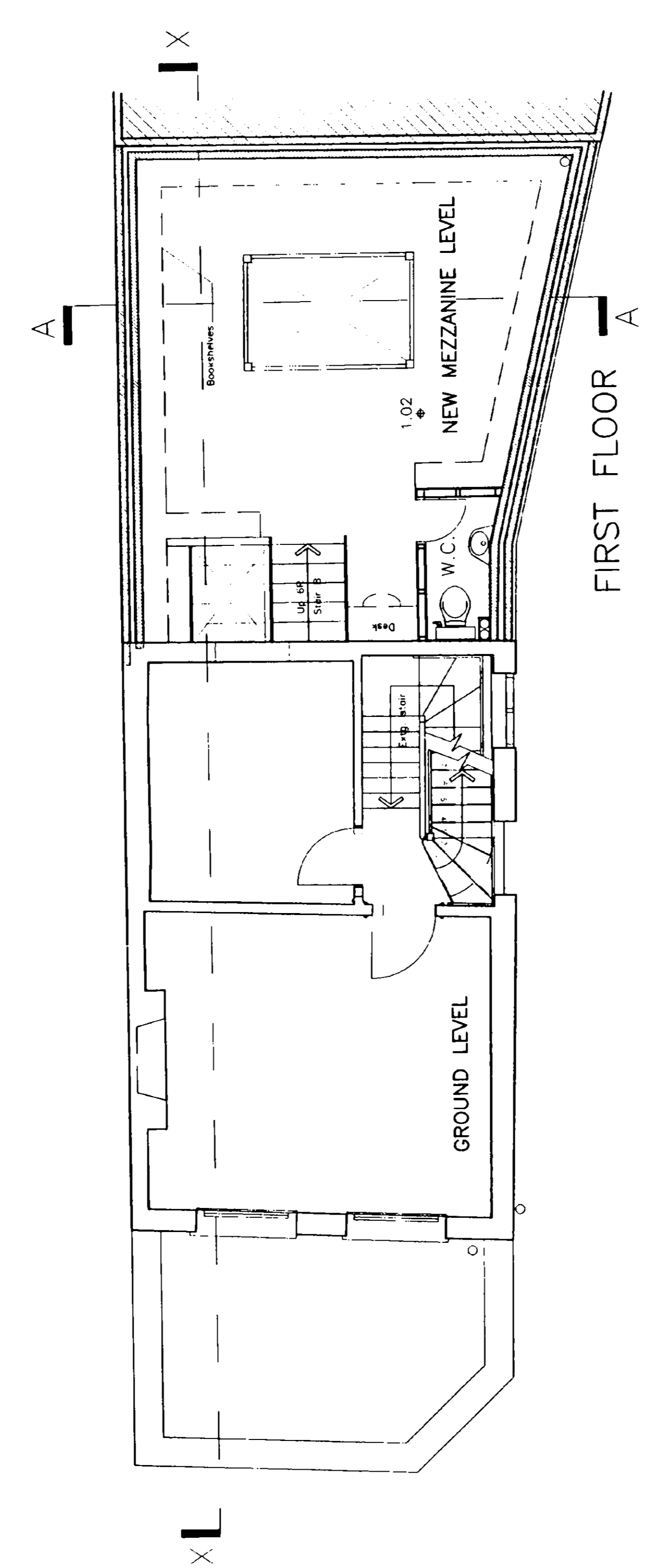
Drawn	Date	Checked
MAS	23.10.98	

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L-243/L(0)80 Rev A

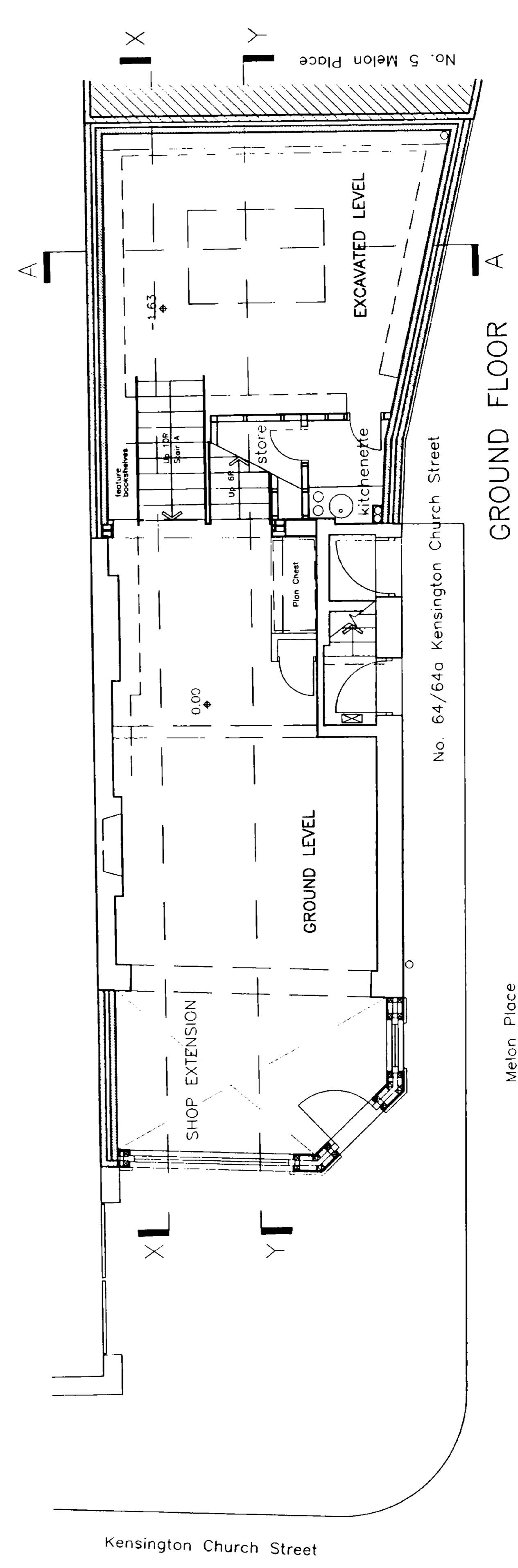
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1:50



SECOND FLOOR



FIRST FLOOR



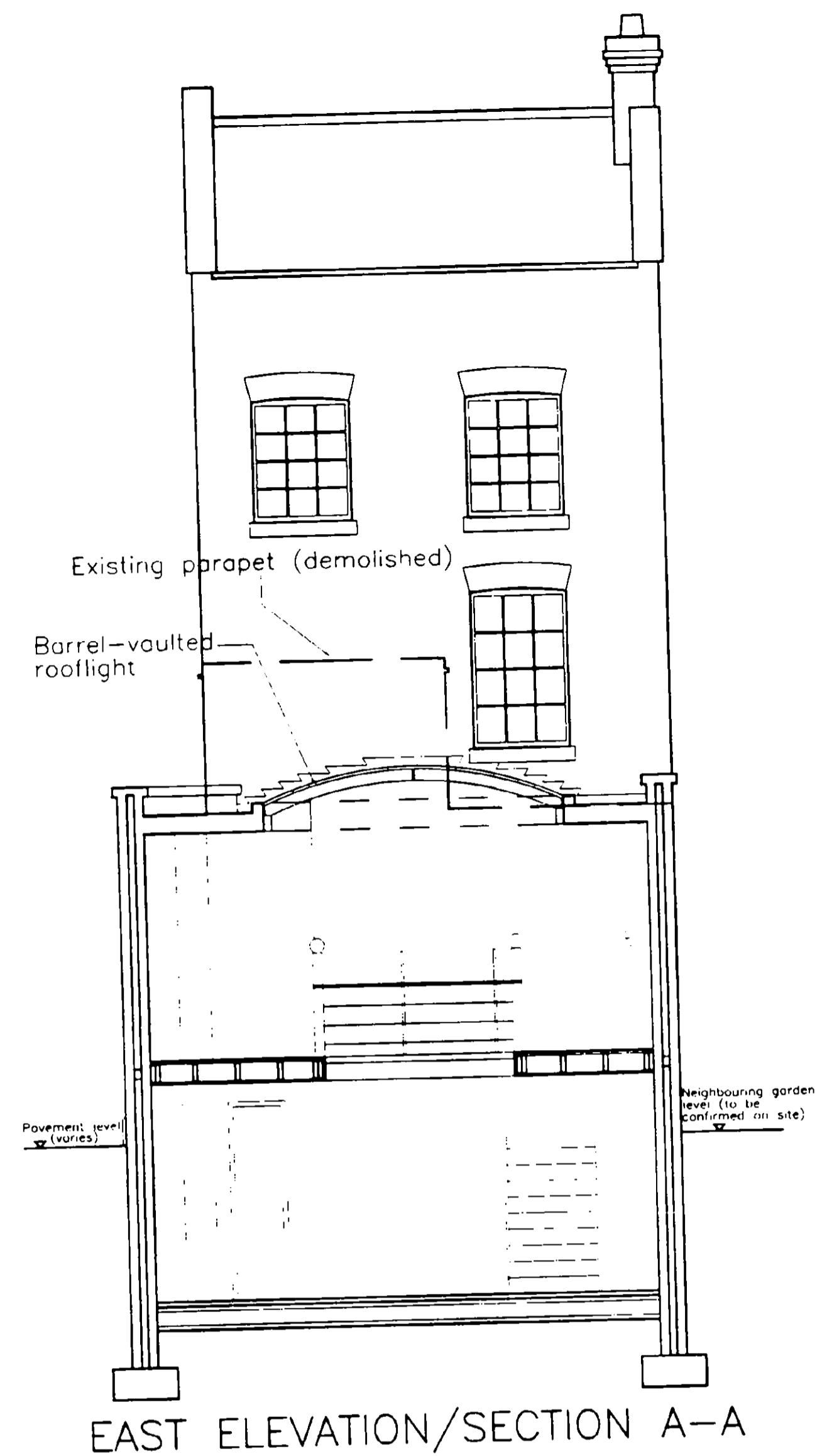
GROUND FLOOR

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 are to be used.
 Any inaccuracies, etc. must be
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 This drawing is copyright
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 drawings take precedence over
 smaller scaled drawings

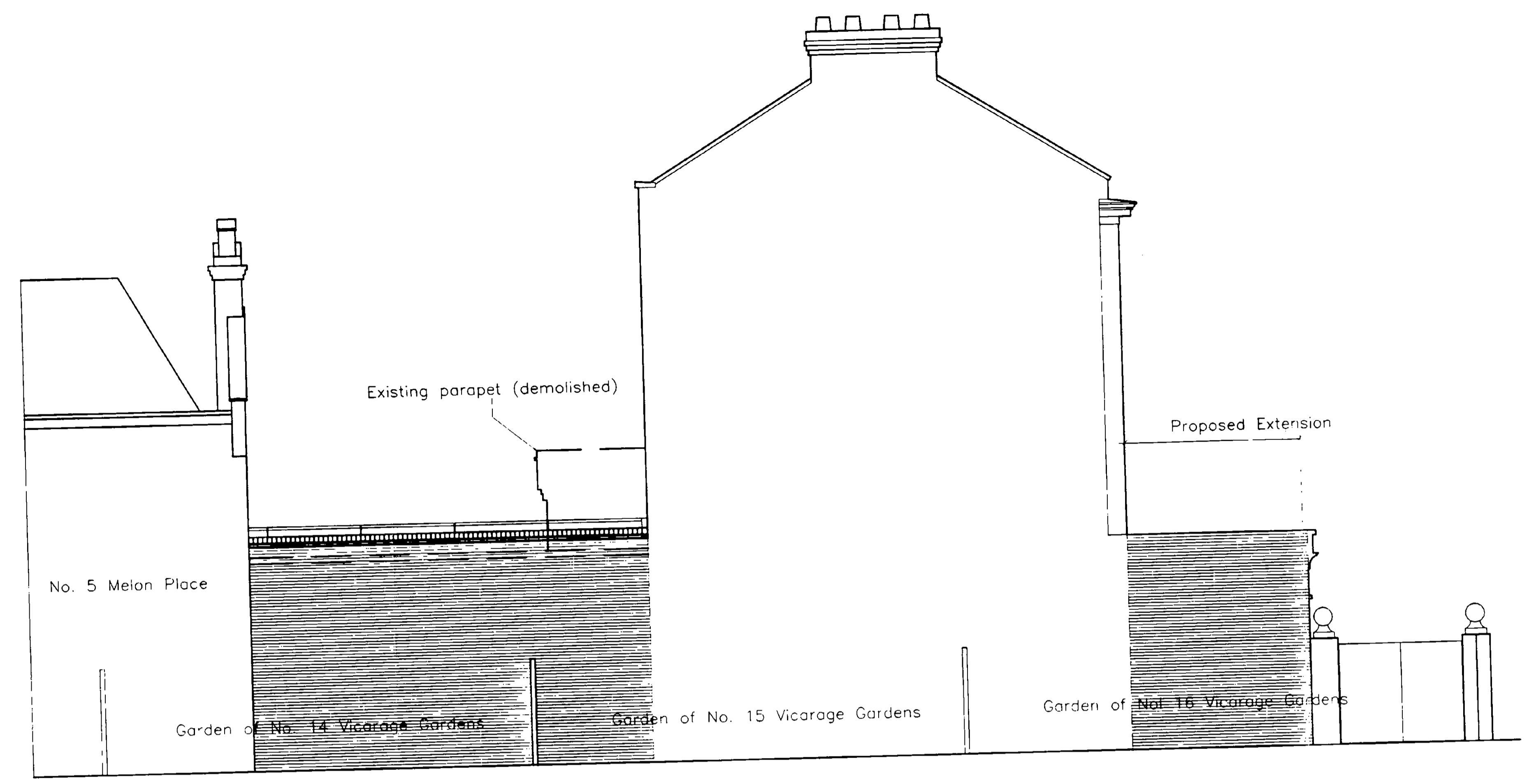
Notes

Revisions	
No.	Date
A	16xii98

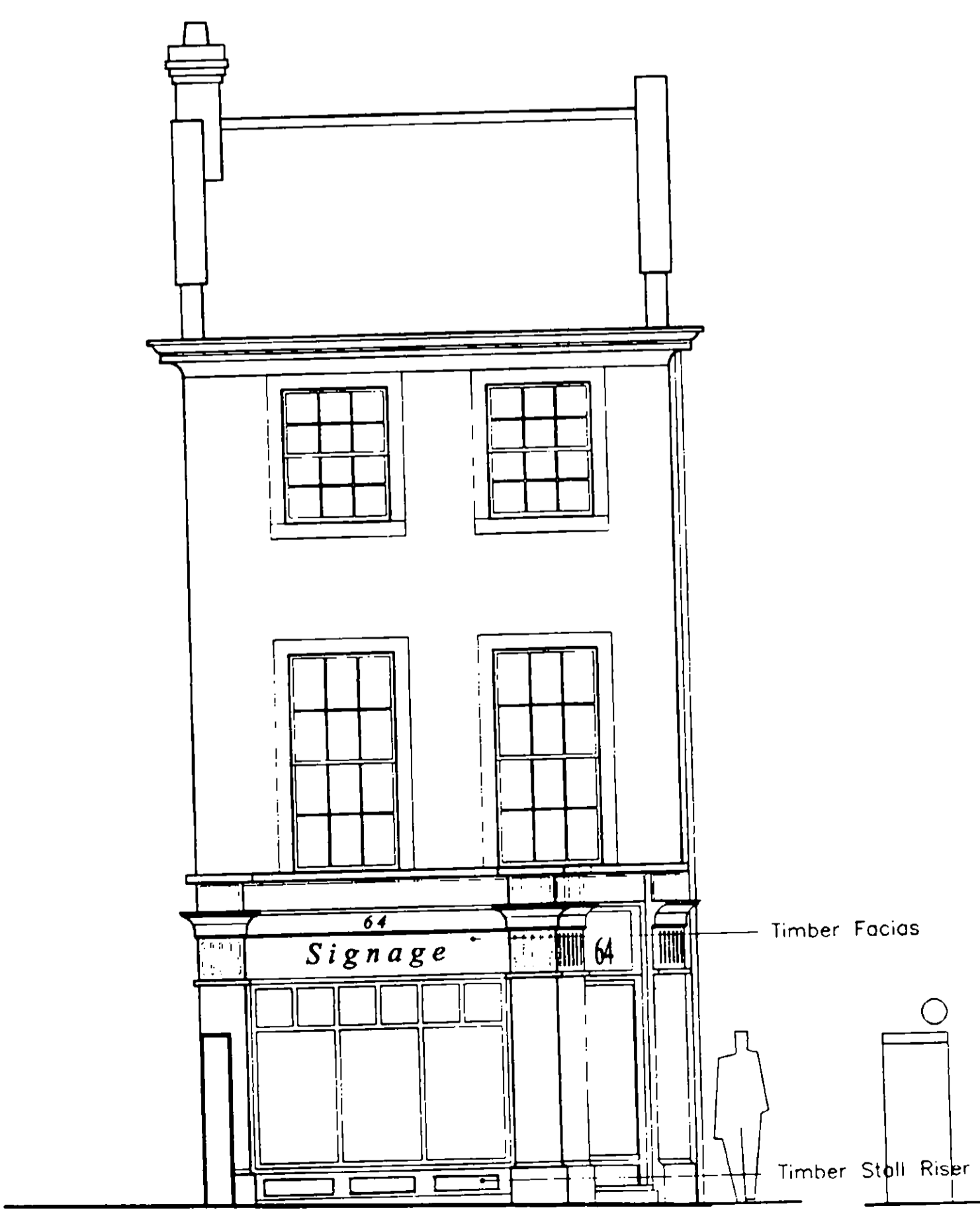
Planner's comments incorporated, inc.:
 1) Rooflight amended
 2) Existing window retained
 3) Rear extension wall relief amended.



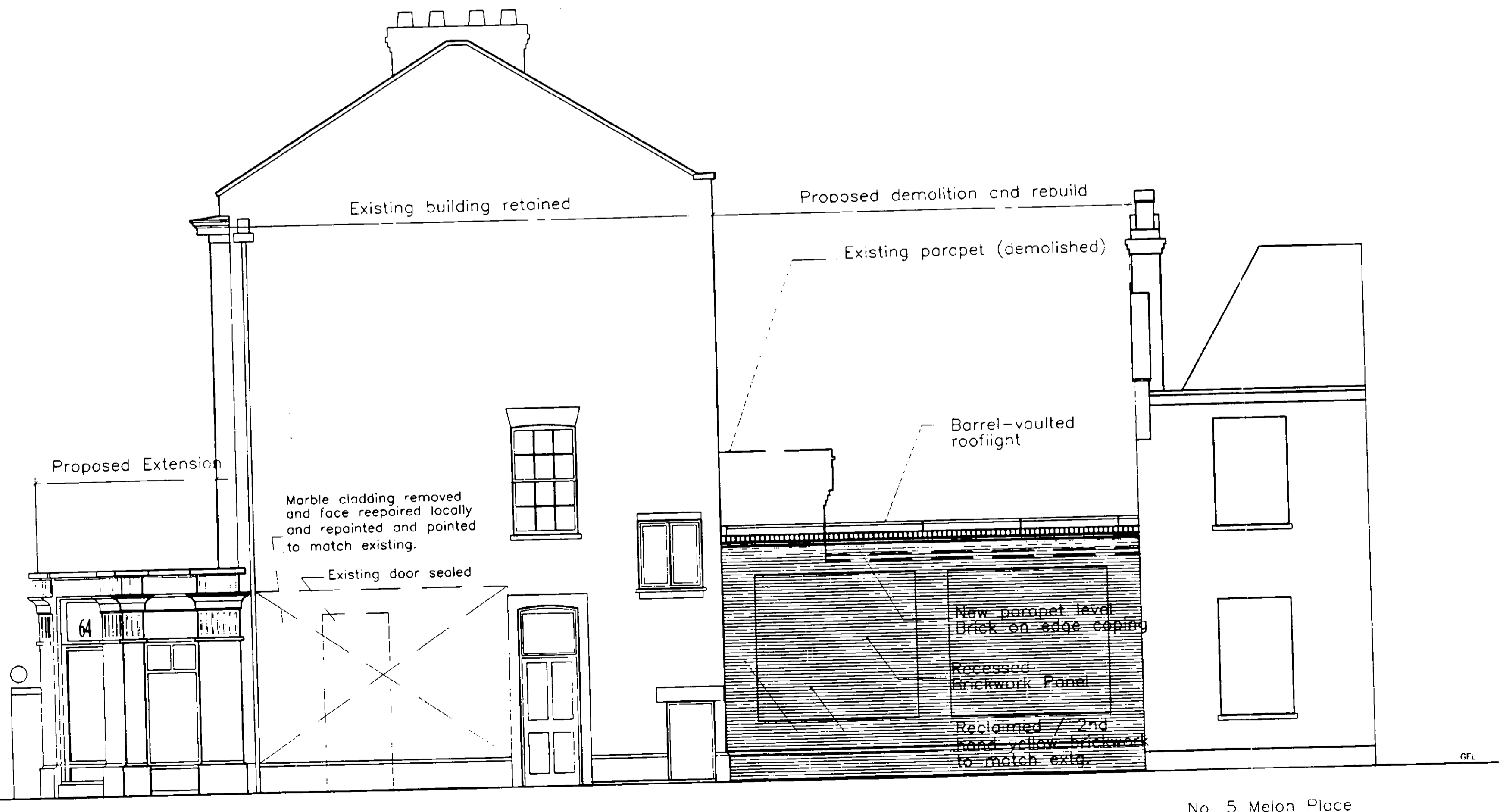
EAST ELEVATION/SECTION A-A



NORTH ELEVATION
 No. 64/64a Kensington Church Street



WEST ELEVATION



SOUTH ELEVATION
 No. 64/64a Kensington Church Street
 No. 5 Melon Place

DELEGATED
 M.P.
 22 JAN 1999
 REFUSAL

1998/20784

R.F.K. & C.
 TOWN PLANNING
 15 DEC 1998
 RECEIVED

CF&P
 Colwyn Foulkes and Partners
 Chartered Architects
 Planning and Landscape Consultants
 Colwyn Bay 01492 530735 London 0171 938 2464

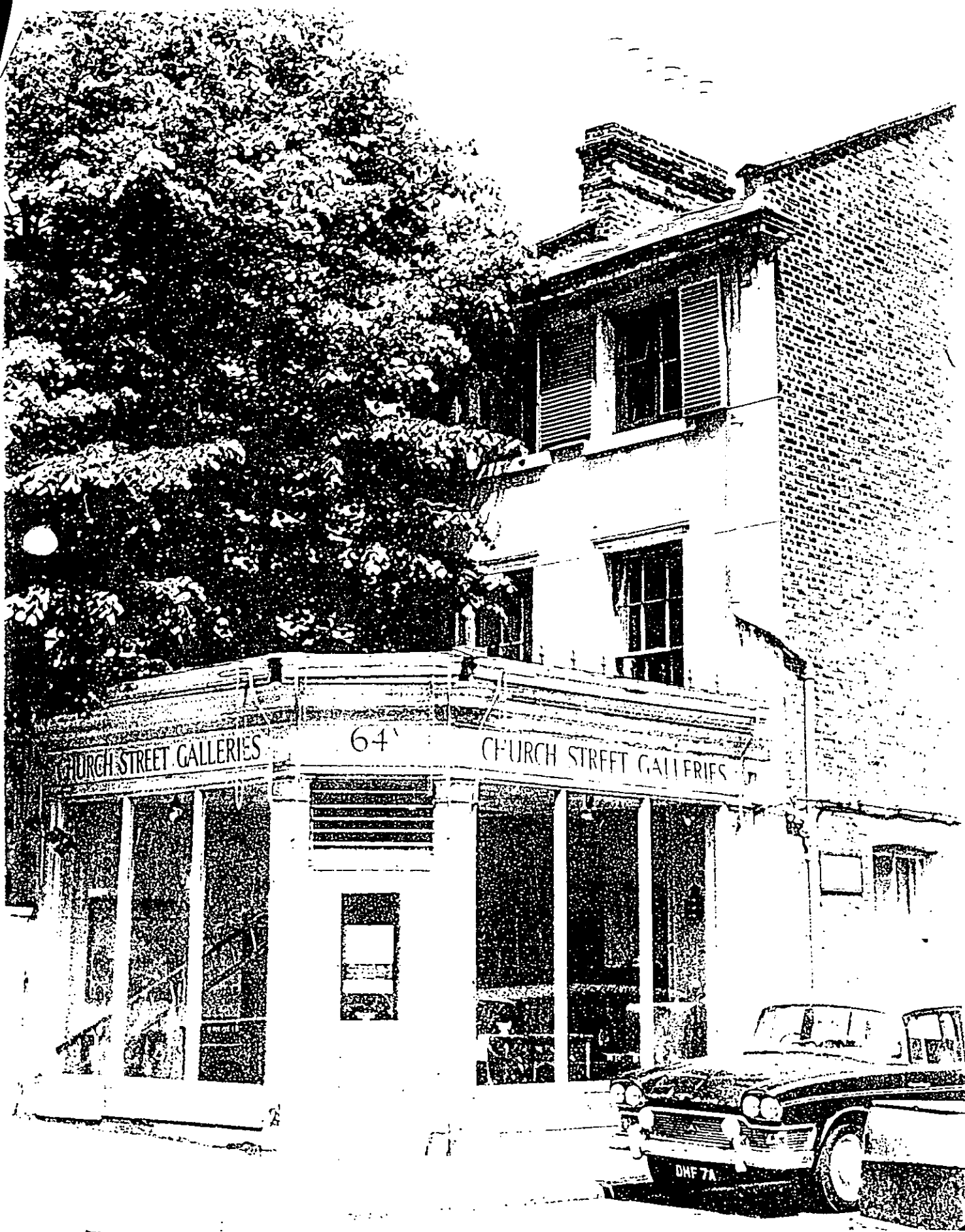
Project
 64 KENSINGTON
 CHURCH STREET

Title
 ELEVATIONS OF
 PROPOSALS &
 SECTION A-A

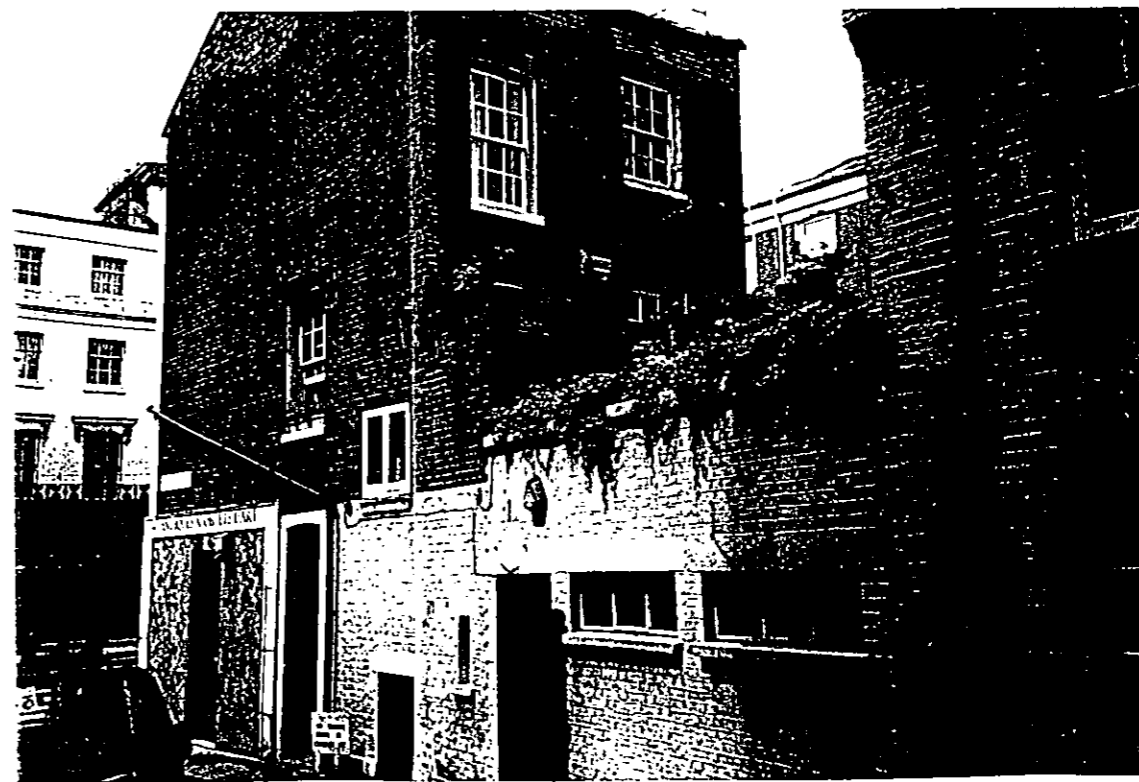
Drawn	Date	Checked
MAS	23.10.98	

Drawing No.
 L-243/L(0)81 Rev A

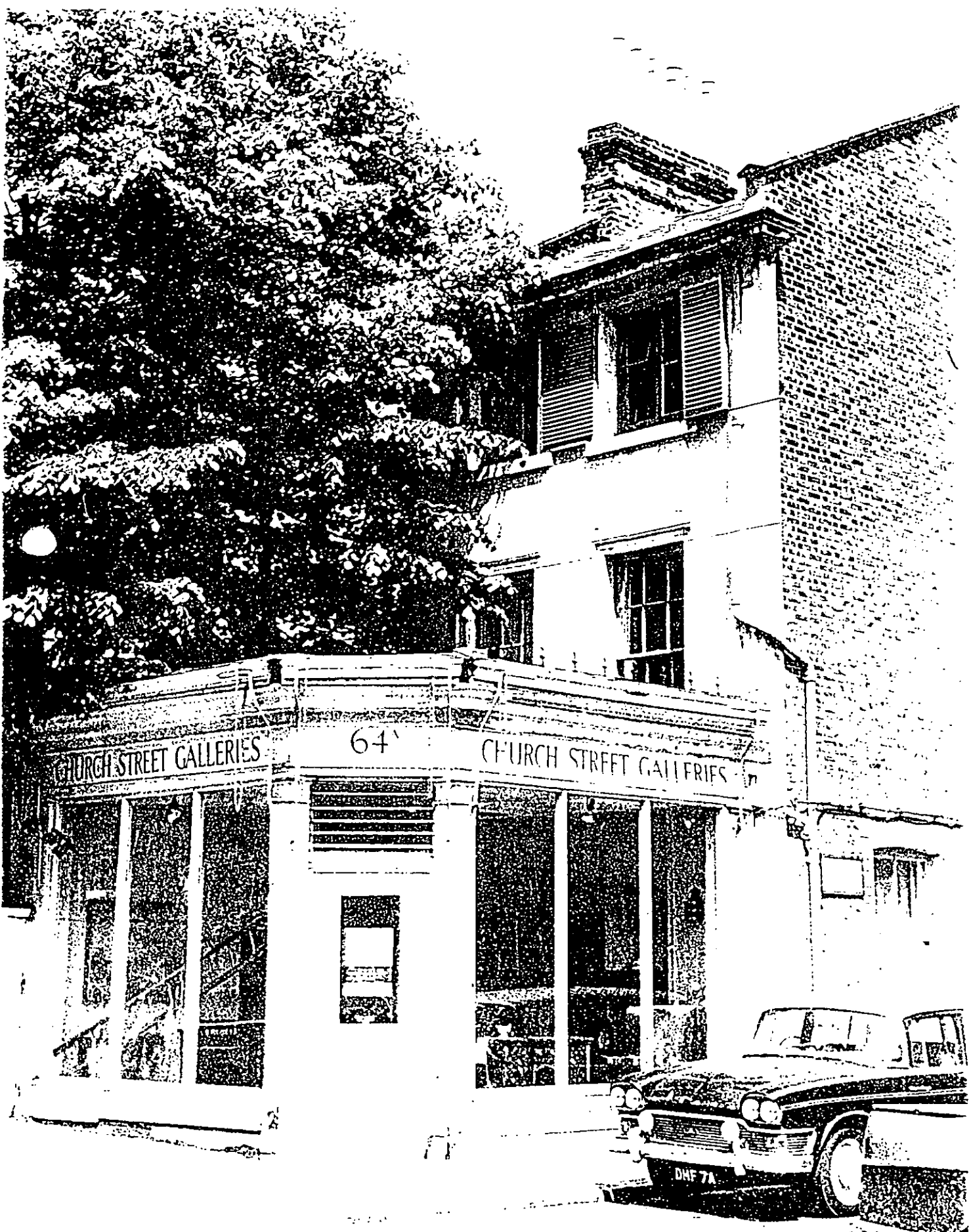
Scale
 1:50



964



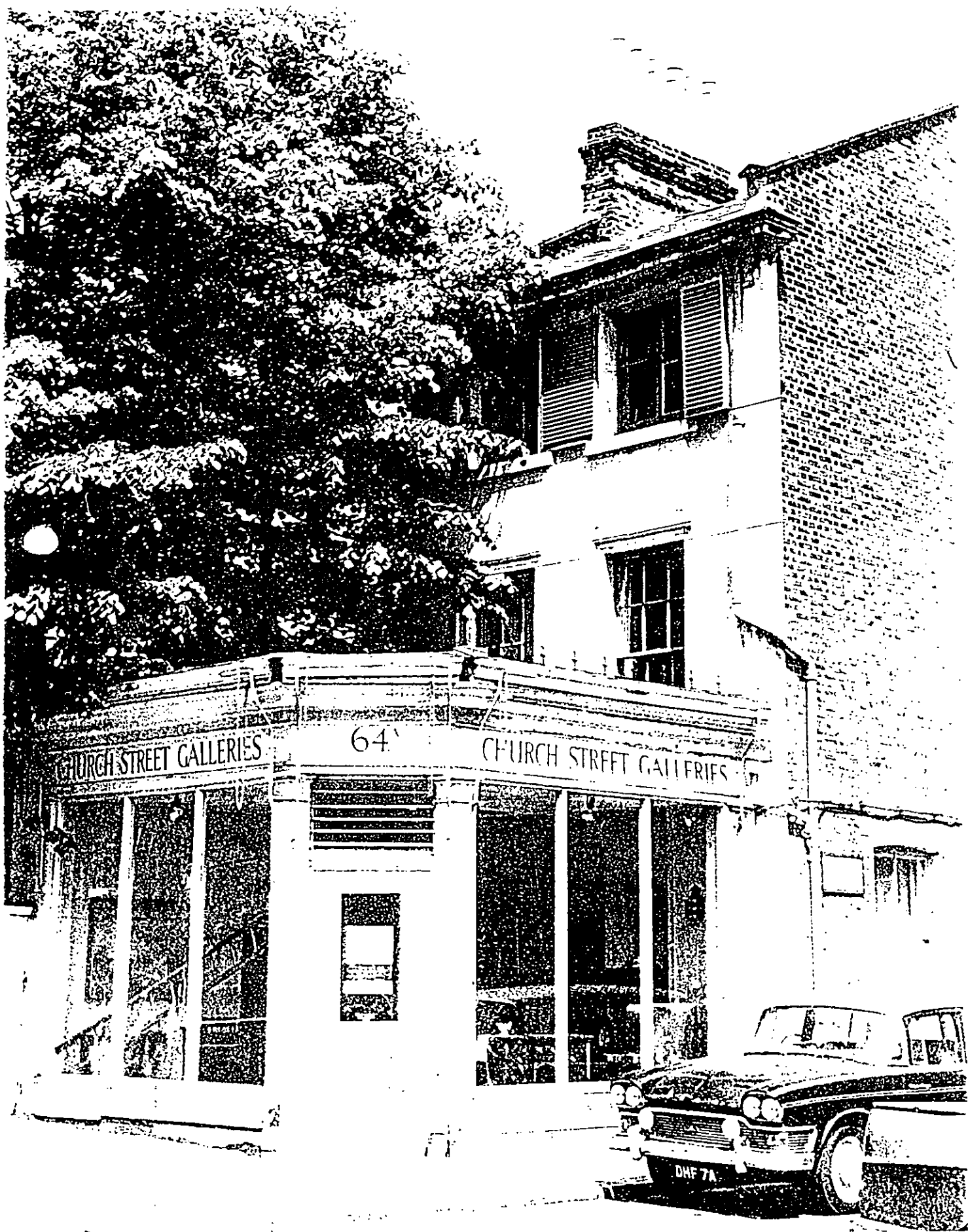
64 / 64 A KENSINGTON CHURCH ST.



964



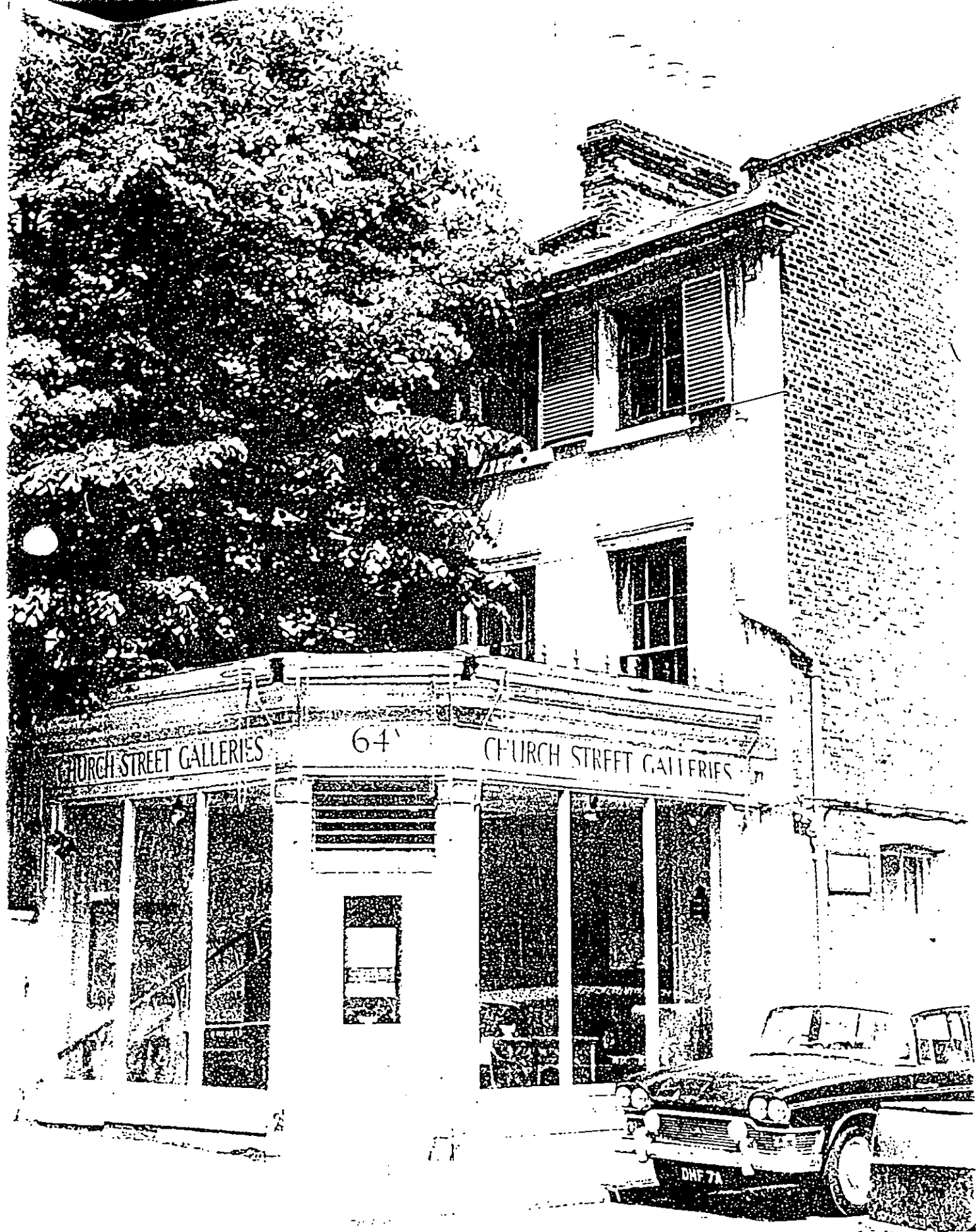
64 / 64 A KENSINGTON CHURCH ST



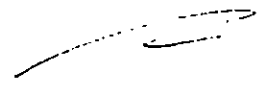
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64/64A KENSINGTON CHURCH ST.



964

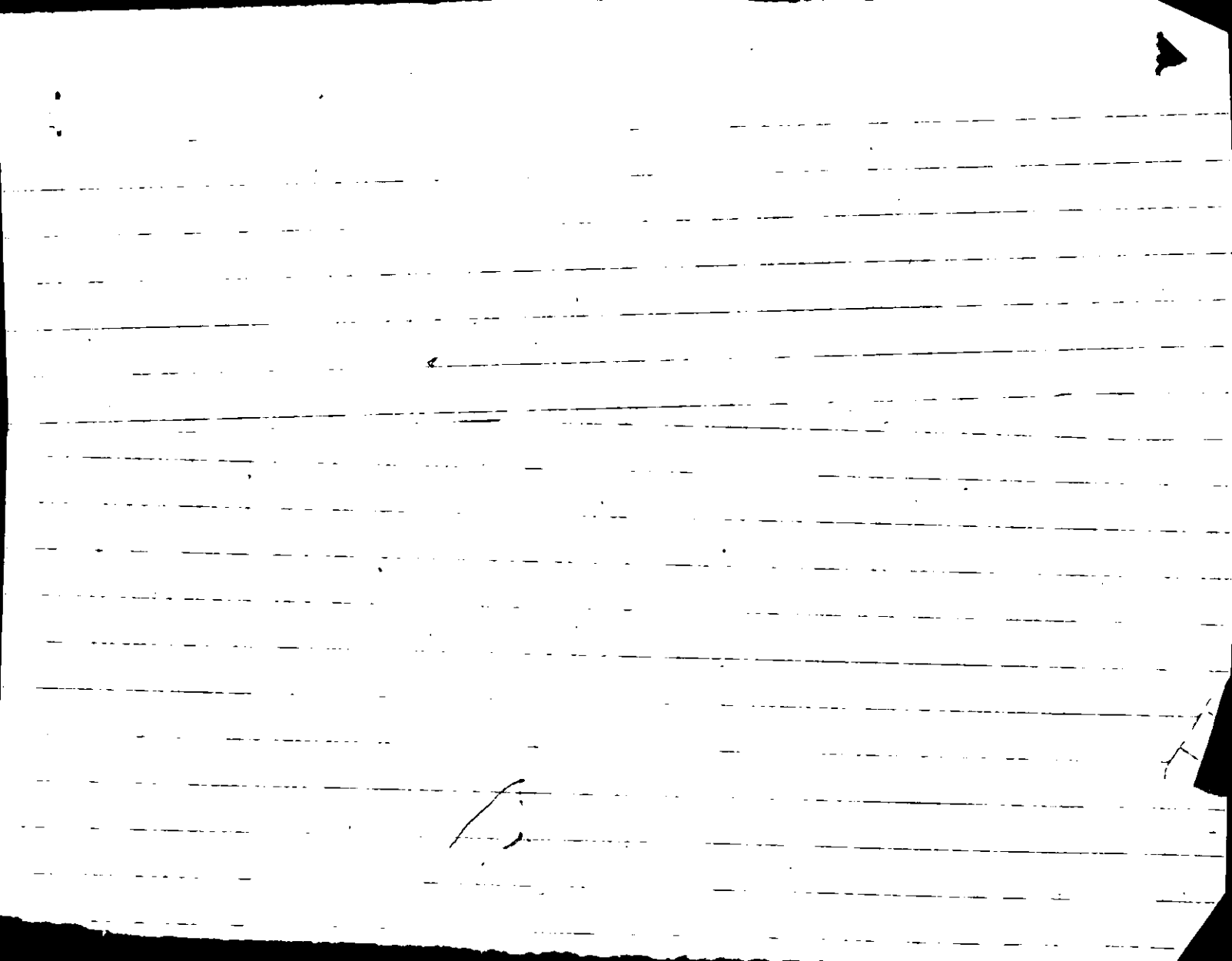




64/64A KENSINGTON CHURCH ST.

Reason for refusal

The front extension, by virtue of its projection from the front of the building would ~~be a~~ constitute a prominent and obtrusive structure which would detract from the building and by a matter of degree would ^{depart from and disrupt} detract from the building line of the existing shops. As such it would fail to preserve the character and appearance of the Conservation Area, contrary to the Council's policies as set out in the Unitary Development Plan, in particular policies ~~CD25~~ CD25, CD44, and CD52 and CD53.



144
060

348
105

08231

PLANNING SERVICES APPLICATION DRAFT REPORT

To Planning Applications Committee
MEMBERS PANEL

To Planning and Conservation Committee

K

APPLICANT:

Colin Foulkes & Partners,
229 Kensington High Street,
London W8 5SA

K / 51 / 43
PP/98/0278

Application No: DPS/BCC/TF/28/2078 L/243	Agenda Item 64-64A KENSINGTON CHURCH STREET, W.8	Application dated 28/10/98	Revised date 26/12/98
--	---	---	---------------------------------

NATURE OF PROPOSAL: front of shop
(as per 1958 situation);
Demolition of existing
extension to rear of premises;
formation of new mezzanine
level at rear of premises.
(Application T10)

Application complete 05/11/98
Fee Received
Date to be decided by 31/12/98
Date Acknowledged 05/11/98

ON BEHALF OF **Mr. A. Harrington**
INTEREST **owner of shop**

DISTRICT PLAN PROPOSALS MAP	CONS AREA	CAPS	ARTICLE 4 DIRECTION	LISTED BUILDING	HBMC DIRECTION	A/O CONSULTED	OBJECTORS (TO DATE)
(L) 7	7	YES	no	no	no	12	2

RECOMMENDED DECISION:-
REFUSE PLANNING PERMISSION for the erection of a front extension at ground floor level.
64 Kensington Church Street, Kensington W8
as shown on submitted drawing(s) no(s) L/98/2078 & T/98/2078/A.
applicant's drawing(s) no(s) C-243/L(0)23, 80 rev A, 81 rev A and 82 rev A.

CONDITIONS/REASONS/INFORMATIVES

11/98/2078

1.0 Site

1.1 No 64/64A Kensington Church Street is located on the East side of the Street, between Melon Place and Storage Gardens. The property stands alone, fronting Kensington Church Street and backing onto the side of the properties in Melon Place.

1.2 The property comprises a ground floor retail unit and two upper residential floors.

1.3 The property is within the Kensington Palace Conservation Area. It is not a listed building.

2.0 The proposal

2.1 Planning permission is sought for the erection of an extension at the front of the property at ground floor level only, together with alterations comprising raising the parapet walls and changing the design of the rooflight on the rear extension approved in September 1998 under reference 11/98/1205

2.2 There is also a second current planning application for the



alterations to the rear extension only - This ~~is~~ is likely to be considered by the Planning Services Committee on 13th January 1999, and is recommended for approval.

3.0 Relevant Planning History

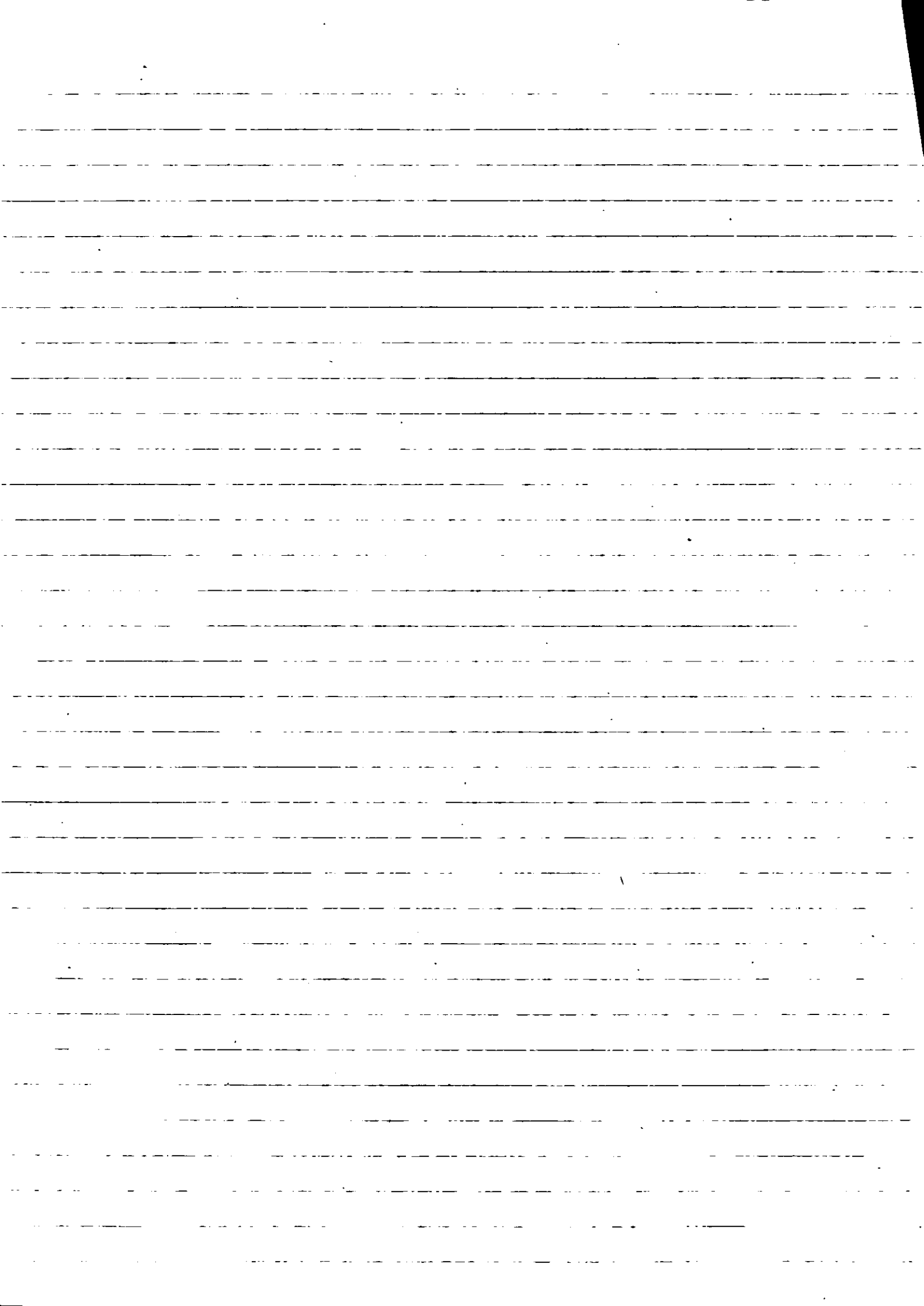
3.1 Planning permission was granted on 23rd December 1964 for the installation of a new shopfront and erection of a rear extension.

3.2 Planning permission was granted on 7th November 1997 for the rebuilding of the flank elevations of the building.

3.3 Planning permission was granted on 25th September 1998 for the erection of an extension at the front of the shop and rebuilding the rear extension at ground floor level. The front extension approved under reference 70/28/1205 extended only 1.6 metres from the front of the building, with a flat roof.

4.0 Planning Considerations

4.1 The main considerations with regard to the rear extension are the impact on the amenity enjoyed by occupiers of surrounding residential properties.

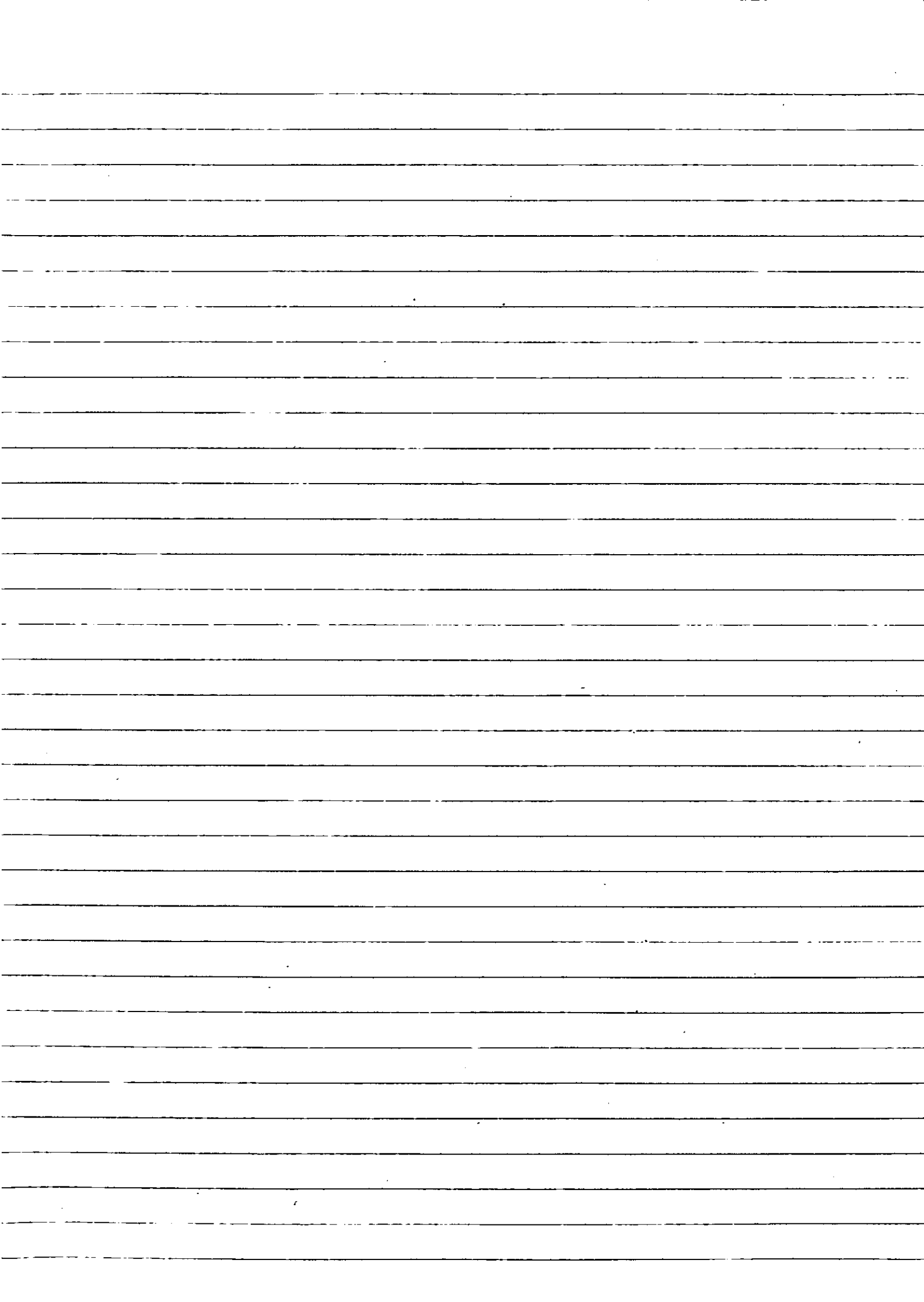


of the increase in height of the north and south parapets and the design of the rooflight. With regard to the front extension, the main considerations are the extent of the extension, its detail and its effect on public access across the paved area in front of the present shop. With regard to both elements of the proposal, the effect of the scheme upon the existing character and appearance of the Conservation Area is an important consideration.

4.2 The relevant policies are included in the "Conservation and Development" Chapter of the Unitary Development Plan, in particular Policies CD25, CD28, CD44, CD52 and CD53.

4.3 At present, the property has a rear extension which covers the whole of the plot to the rear of the main part of 64/64A, and abuts ~~the~~ 5 Melon Place and 15 and 16 Vicarage Gardens.

4.4 The proposed extension would be 0.3 metres taller than the existing extension, with walls built of second hand brickwork. The panel details would be provided on the south elevation fronting Melon Place. The central part of the roof would be covered

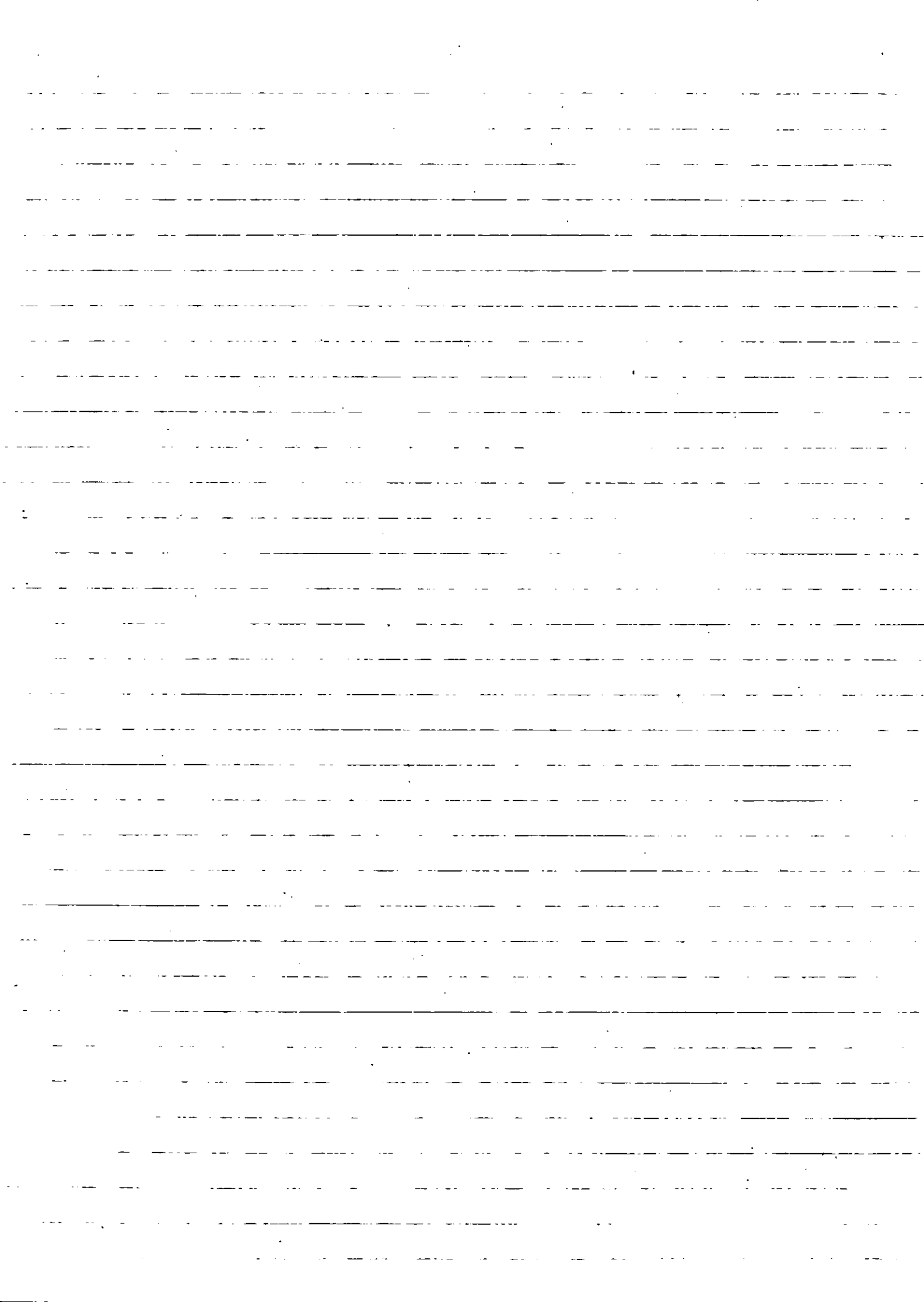


by a shallow barrel vaulted rooflight. This has been designed to retain the existing original post war window in the rear elevation of the main building. The detail of this extension is considered acceptable.

4.5 With regard to residential amenity the extension abuts a flank wall of No 5 Melon Place which has no windows. The increase in the height of the parapet wall by 0.3 metres adjacent to the gardens of Nos 14 and 15 Vicarage Gardens is considered unlikely to significantly increase the enclosure of the gardens to a degree which would detract from the amenities enjoyed by the occupiers of the properties. The rooflight is low, and would not result in any loss of privacy to the neighbouring properties.

4.6 With regard to the front extension, there was a single storey extension at the front of the property which was demolished in the 1960s for road widening.

4.7 The proposed extension would extend 2.8 metres from the front of the existing shop, and would have timber stall rise and ^{shop} windows to its west and south facing elevations and a door



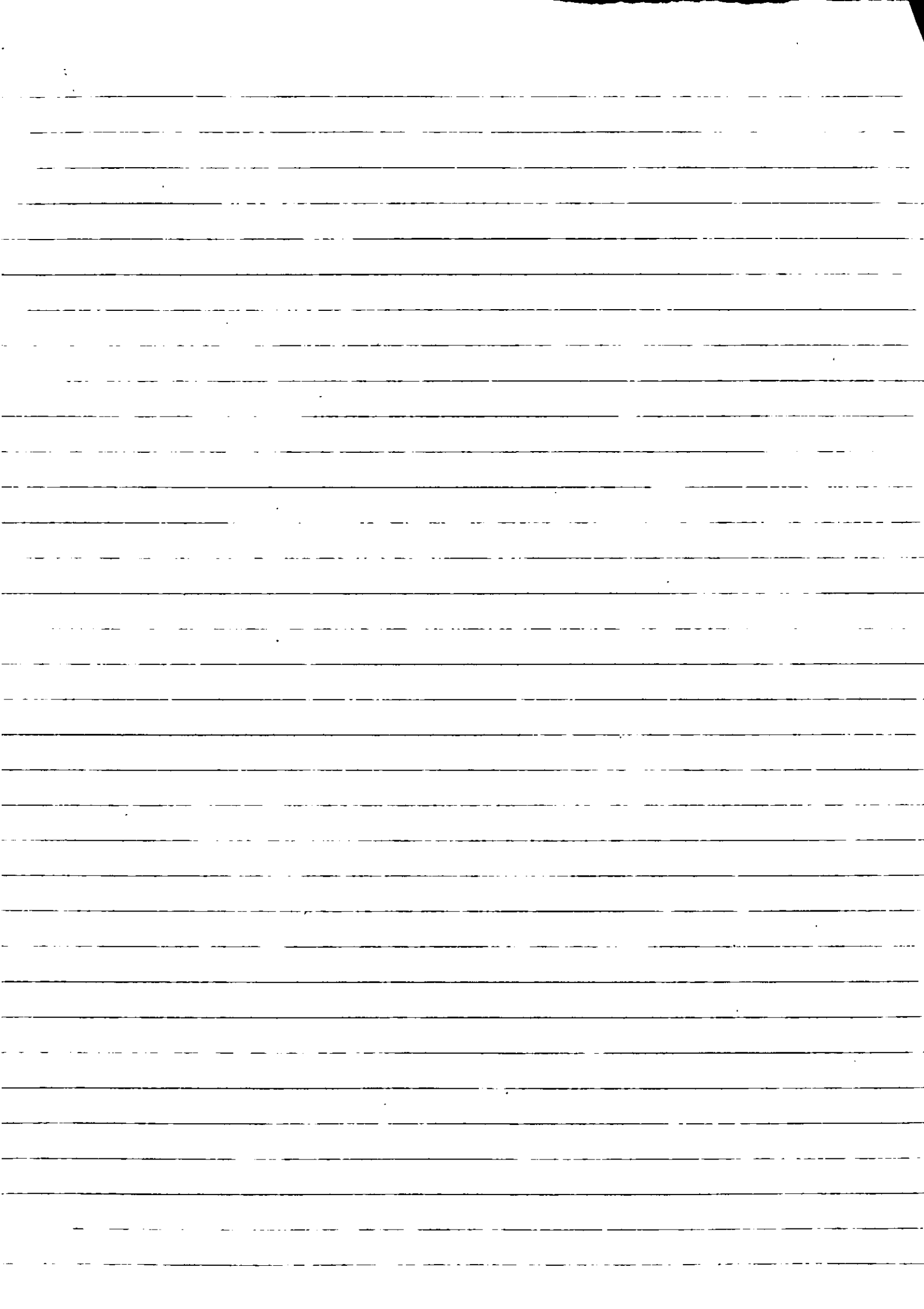
set at the corner on a diagonal. It ~~can~~ would have a flat roof. The detailed design of the extension is considered to be acceptable with the exception that there is a step at the entrance. This could be overcome by use of a portable ramp.

4-78
Albert
separated
by Nelson
place.

The continuous line of shops premises on the East side of Kensington Church Street of which no 64 is the last, has a constant building line around the curve of Kensington Church Street. It is considered that the small scale extension which has already been permitted would not compromise the appearance of this line of shops, since it is limited in extent to only 1.6 metres from the building. ~~As~~

4-89

By a matter of degree it is considered that with the greater depth of extension, ^{now proposed} the front addition to the ~~of~~ Shop would appear ~~to be~~ more prominent and obtrusive, and it is considered that as such, it would not preserve the character and appearance of the Conservation area. Further, it is considered that it would increase the ~~enclosure~~ enclosure of the garden of no 16 U. Cavage Gardens, to the detriment of the amenities enjoyed by the occupier of no 16 since the depth of the extension is increased from 1.6 metres to 2.8 metres.



4.9¹⁰ The status of the paved area at the front of no 64 is still under discussion. It provides pedestrian access to no 64. In addition, no 16 Vicarage Gardens has gates and parks cars in its rear garden. It is considered that the further extension of no 64 forwards would increase potential conflict with the access to no 16 and, as such, would be unwelcome.

4.10 Overall, it is considered that ~~although~~ the ~~rear~~ rear extension is considered acceptable, and would preserve the character and appearance of the conservation area and the amenities enjoyed by the occupiers of neighbouring residents. However, the front extension, by virtue of its projection from the building, making it a more prominent and obtrusive development than that which has already been approved, by a matter of degree is considered to be unacceptable, and would not preserve the character and appearance of the Conservation Area.

5.0 Consultation

5.1 Occupiers of twelve neighbouring properties in Melton Place, Vicarage Gardens and Kensington Church Street

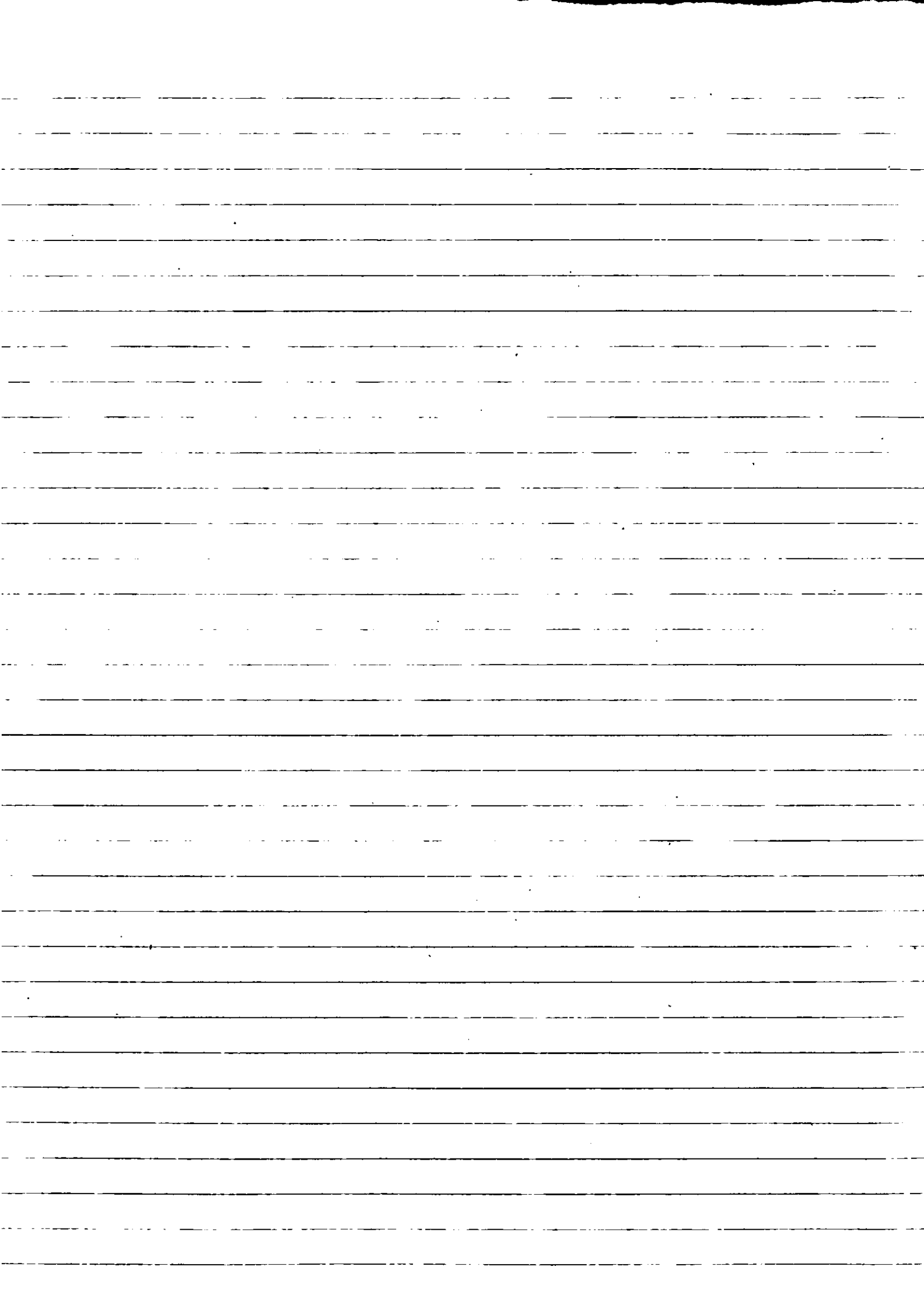


have been notified of the proposals.

S.2 To date, objections have been received from the occupiers of two neighbouring properties. One of these has sent three separate letters:

S.3 Concern is raised by the occupier of no 16 Vicarage Gardens adjacent to the north that the front extension of the property would conflict with access from his gates at the rear of his property. In addition, concern is raised that the extension would further enclose his garden. As such, it would both detract from his residential amenity, and would detract from the appearance of the existing property.

S.4 The occupier of no 5 Melon Place, to the east of the site raises concern at the extent of the front extension, and would constitute overdevelopment of the site and ^{part} the appearance of the shopping frontage.



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Notes

Revisions	
No	Date
A	16xii98

Planner's comments incorporated, inc.:
 1) Footlight amended
 2) Existing window retained

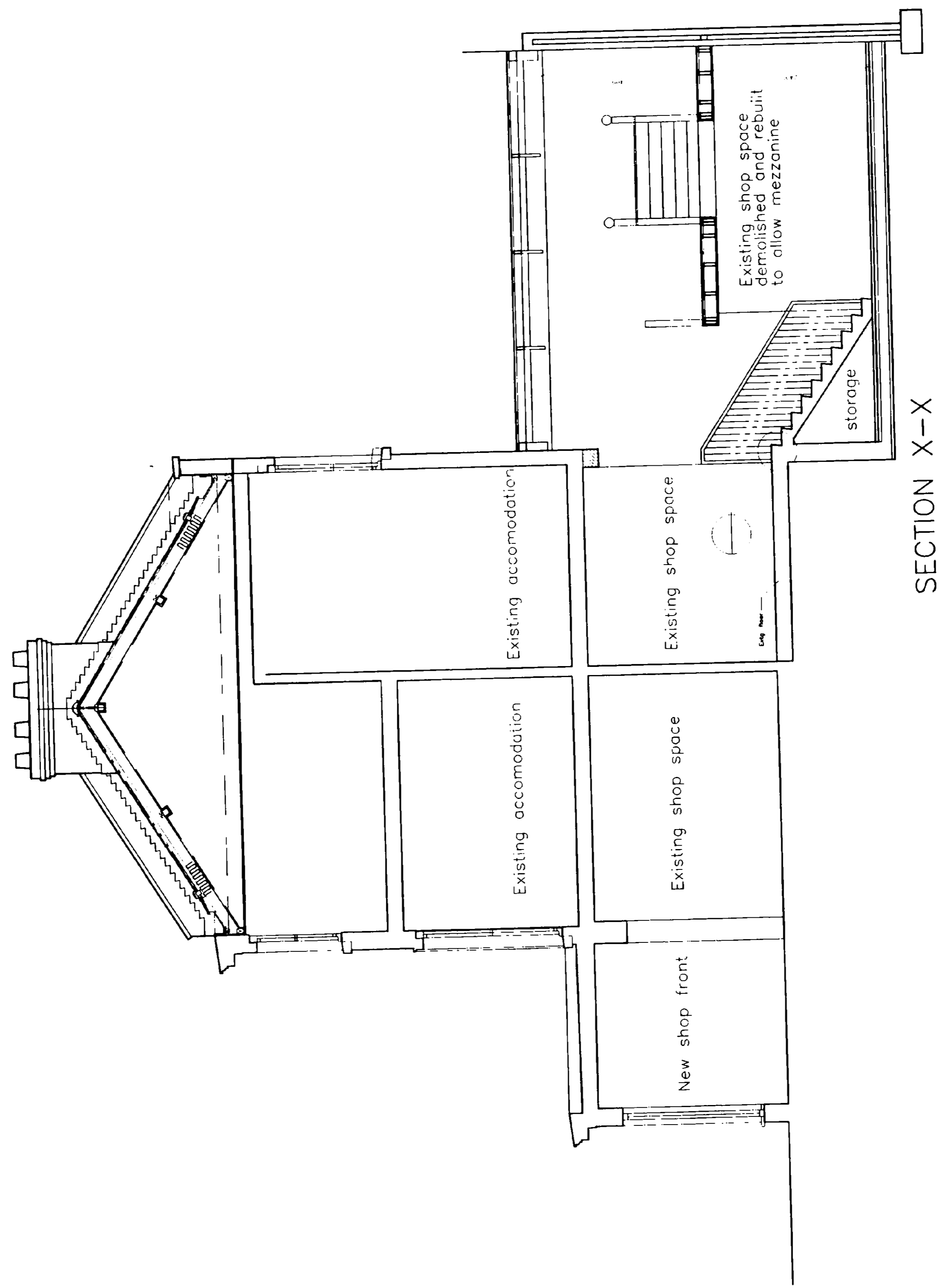
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 R.P. & C. TOWN PLANNING
 16 DEC 1993
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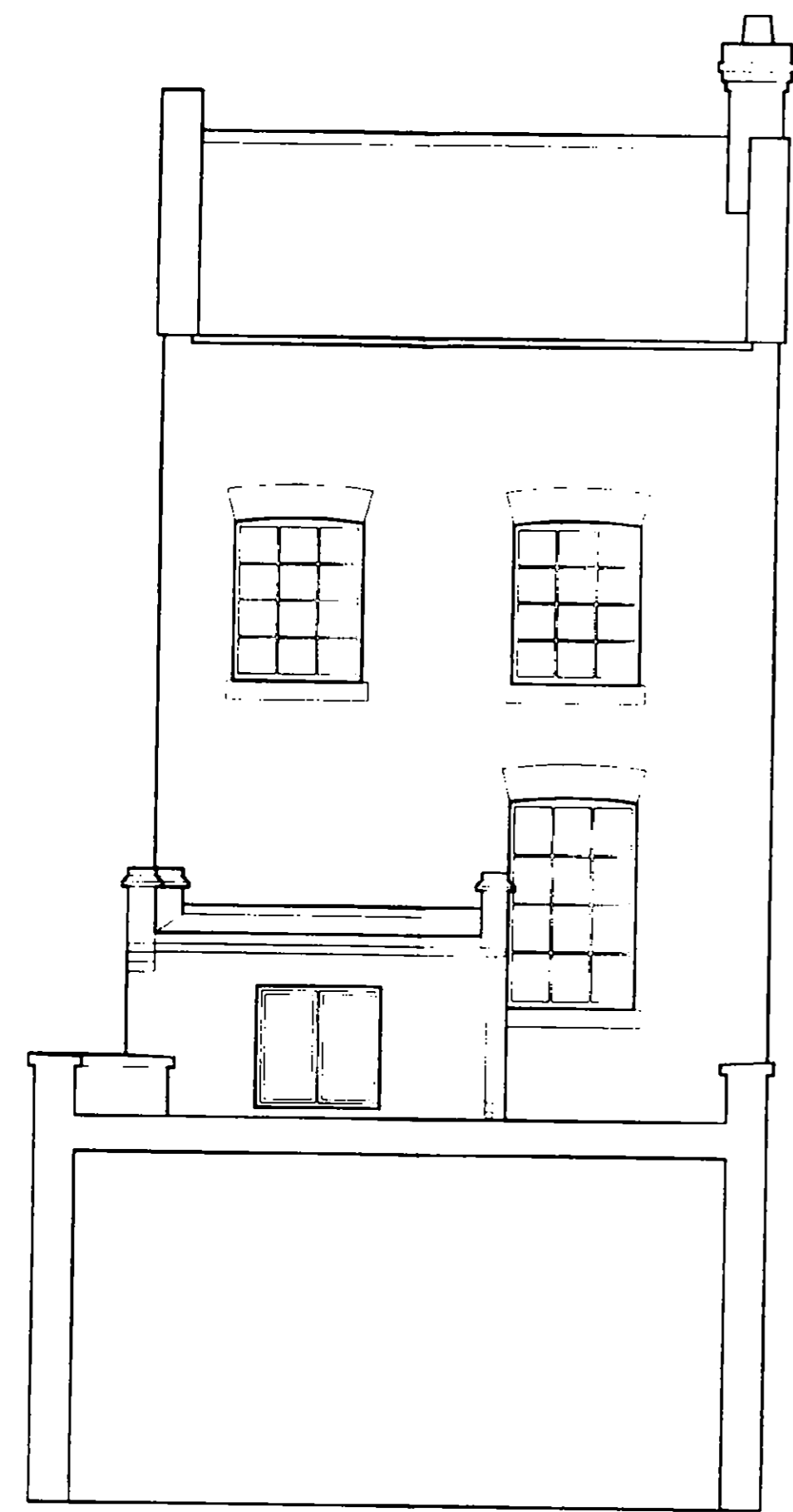
CF&P
 Colwyn Foulkes and Partners
 Planning and Landscape Consultants
 Colwyn Bay
 Gwynedd LL55 2AB
 Llanrhondda
 01792 2464

Project
 64 KENSINGTON
 CHURCH STREET

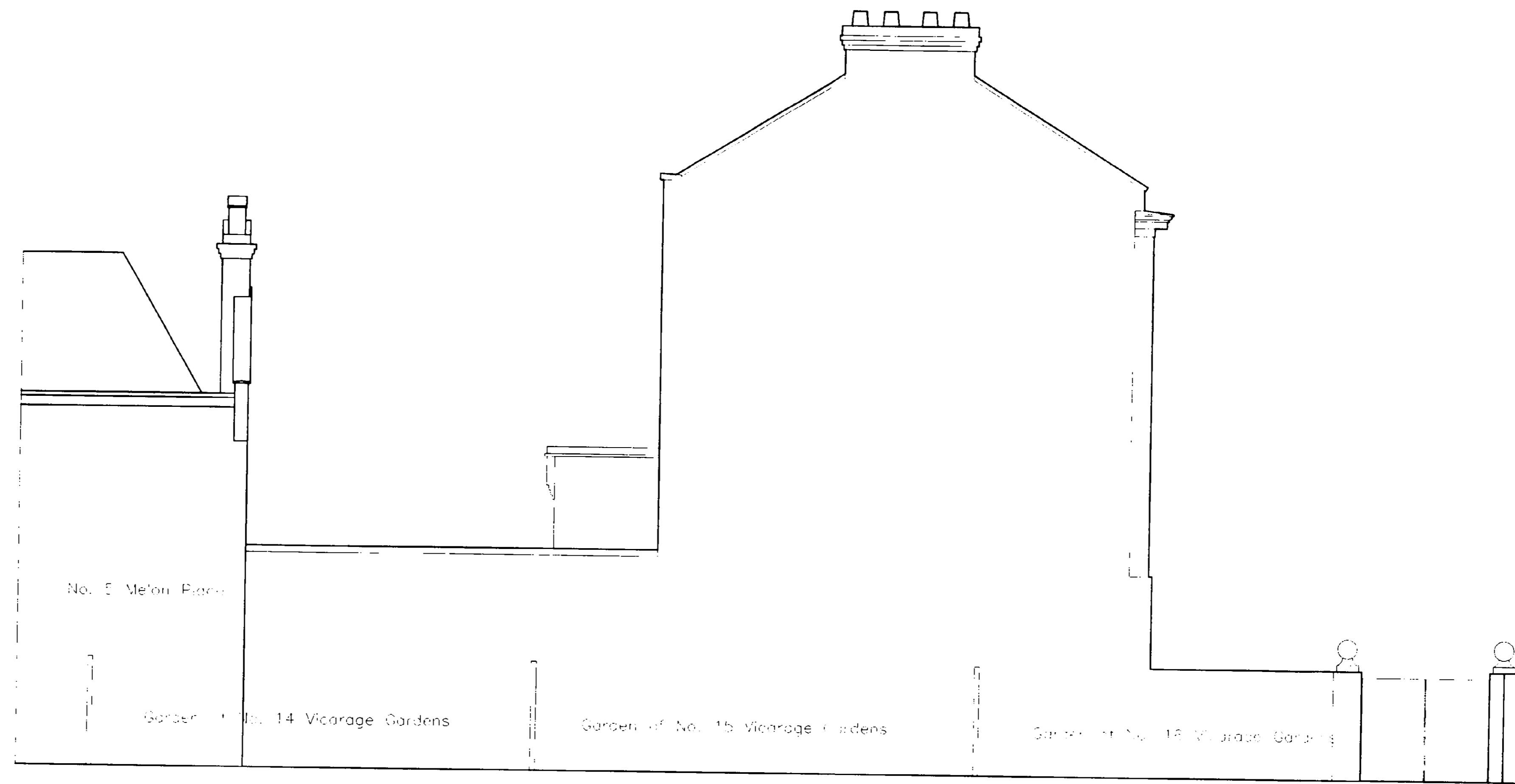
Title
 SECTION X-X
 OF PROPOSAL

Drawn	Date	Checked
MAS	23.10.98	
Drawing No.	L-243/L(0)82 Rev A	
Scale	1:50	



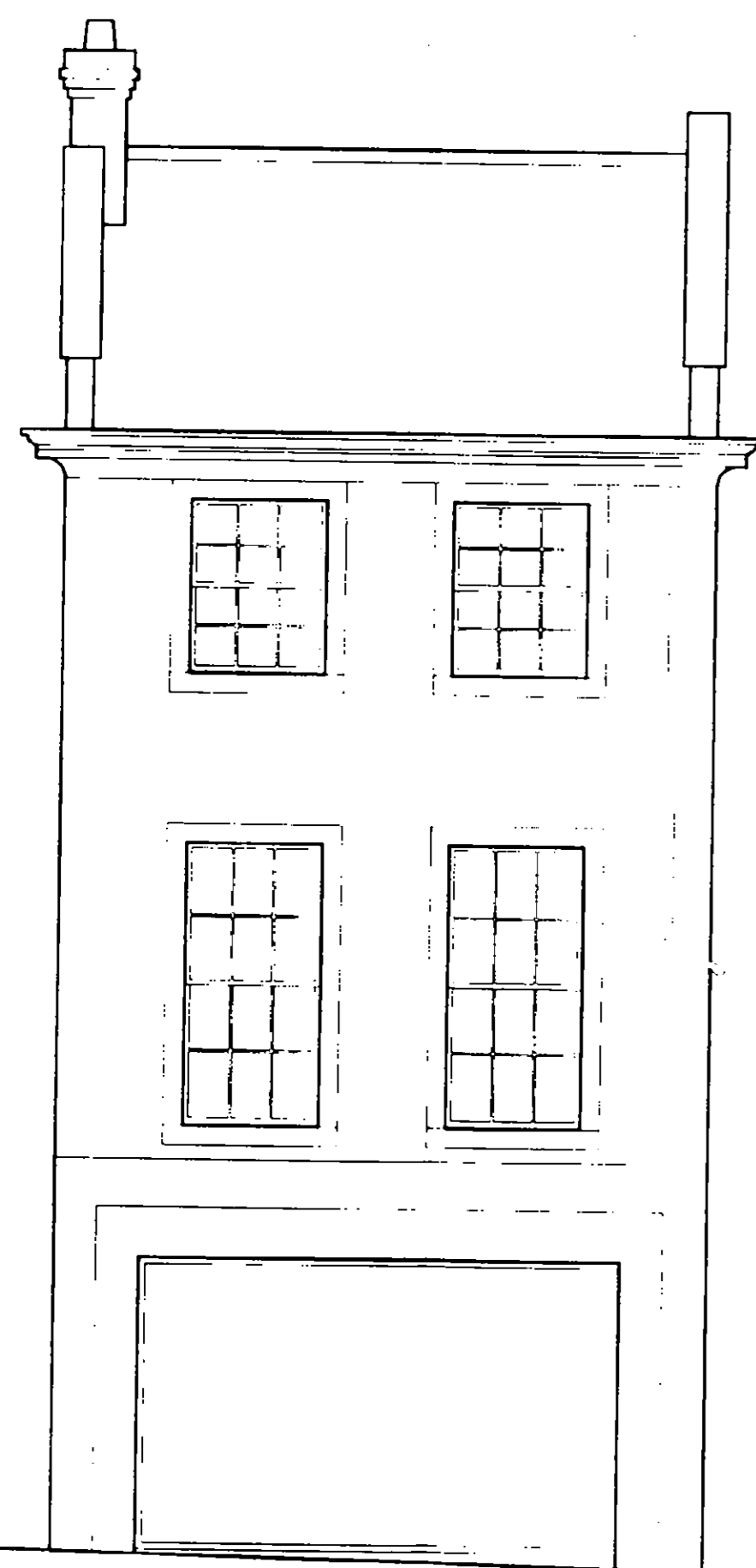


EAST ELEVATION



NORTH ELEVATION

64 Kensington Church Street



WEST ELEVATION



SOUTH ELEVATION

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Revisions

No.	Date	Details

TP9902078

CF&P

Civil, Structural and Electrical Engineers
 57-59, High Street, London E15 2ET

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 TOWN PLANNING
 57 HIGH STREET
 RECEIVED

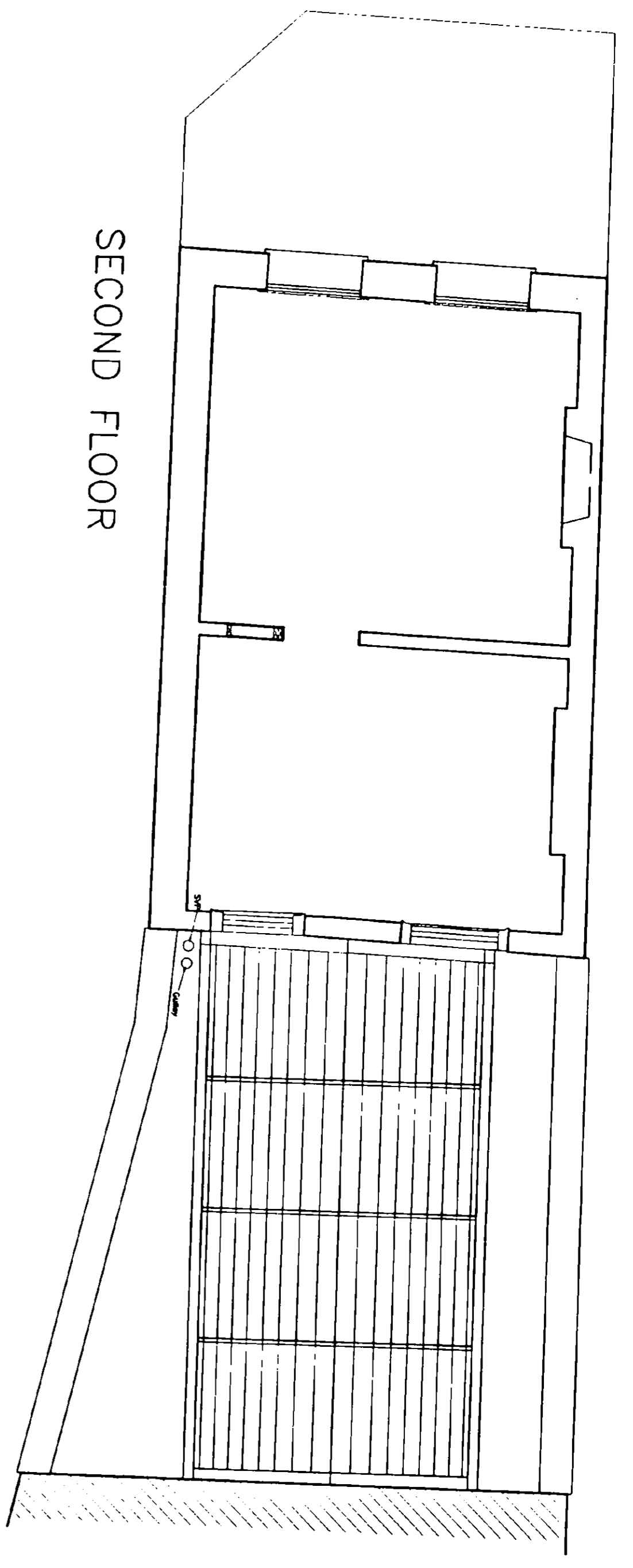
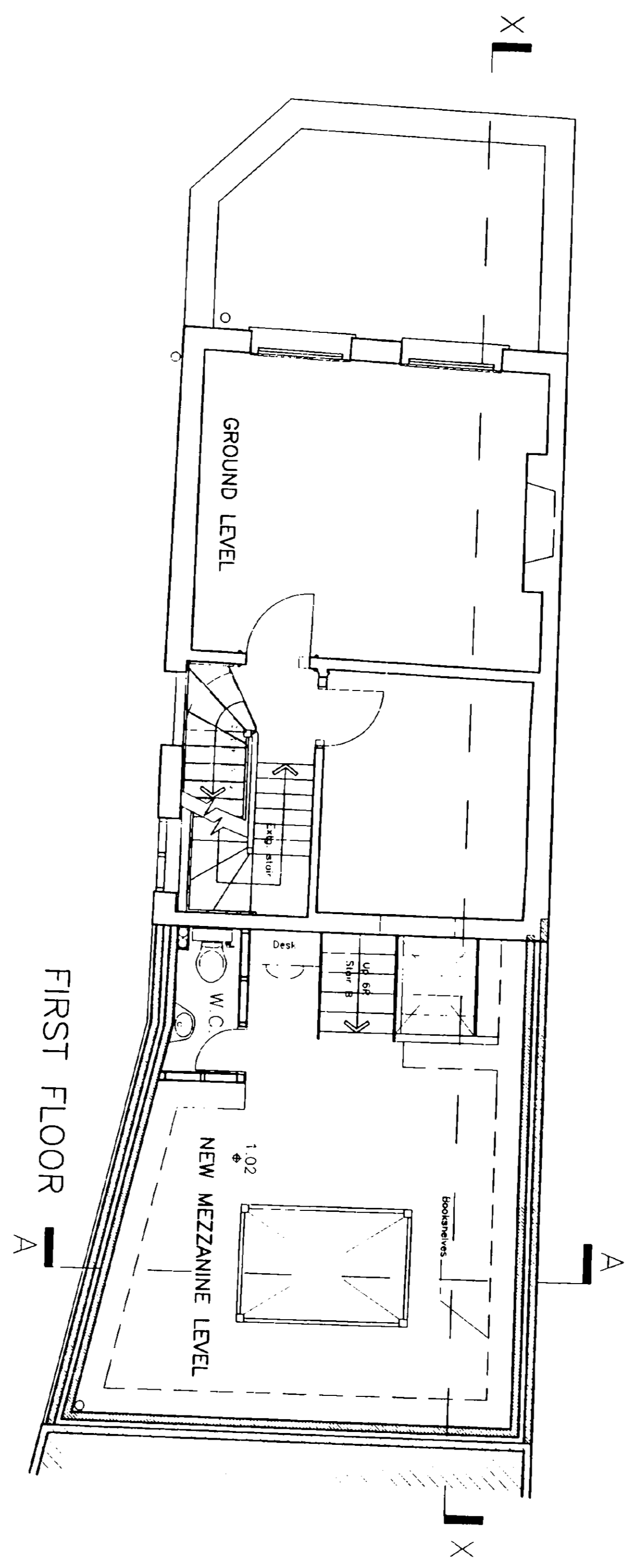
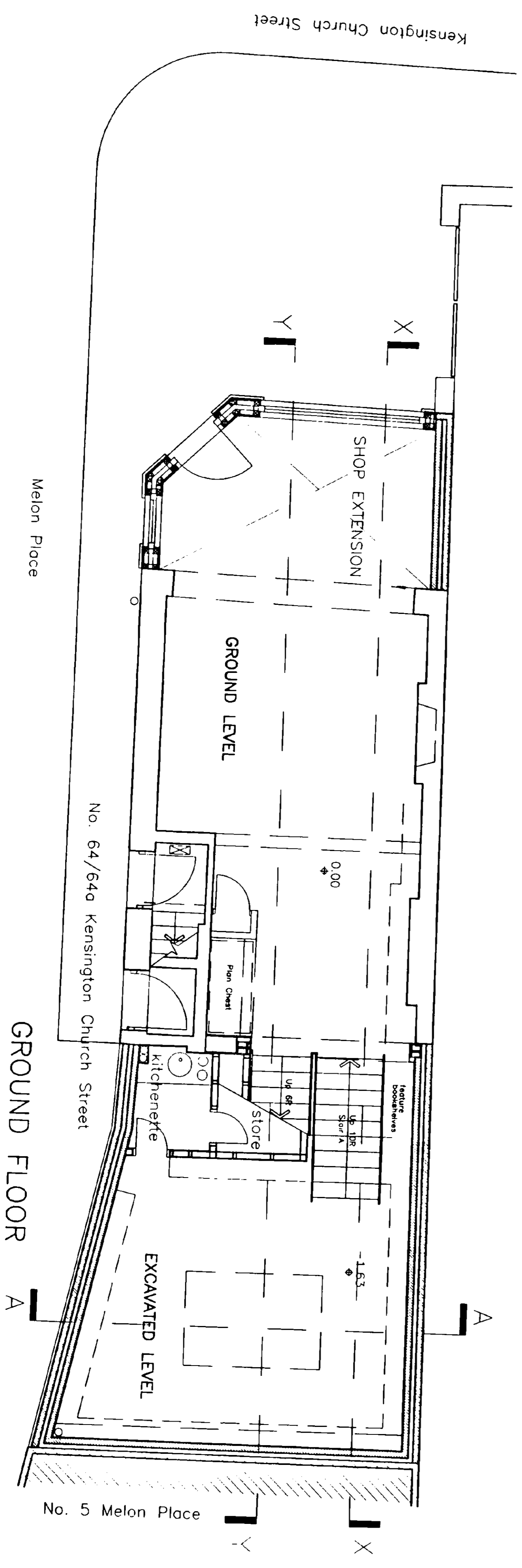
64 KENSINGTON
 CHURCH STREET

EXISTING
 ELEVATIONS

Drawn	Date	Checked
MAS	11.06.98	

L-243/L(0)23

1:50



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 Notes

No.	Date	Details
A	16/11/98	Planner's comments incorporated 1) Rooflight amended

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 15 DEC 1998
 TOWN PLANNING

16/12/98
 2078 A

CR&P
 Colwyn Foulkes and Partners
 Chartered Architects
 Planning and Landscape Consultants
 Crown House
 01482 532733
 0171 888 2444

Project
 64 KENSINGTON
 CHURCH STREET

Title
 PLANS OF
 PROPOSALS

Drawn	Date	Checked
MAS	23.10.98	

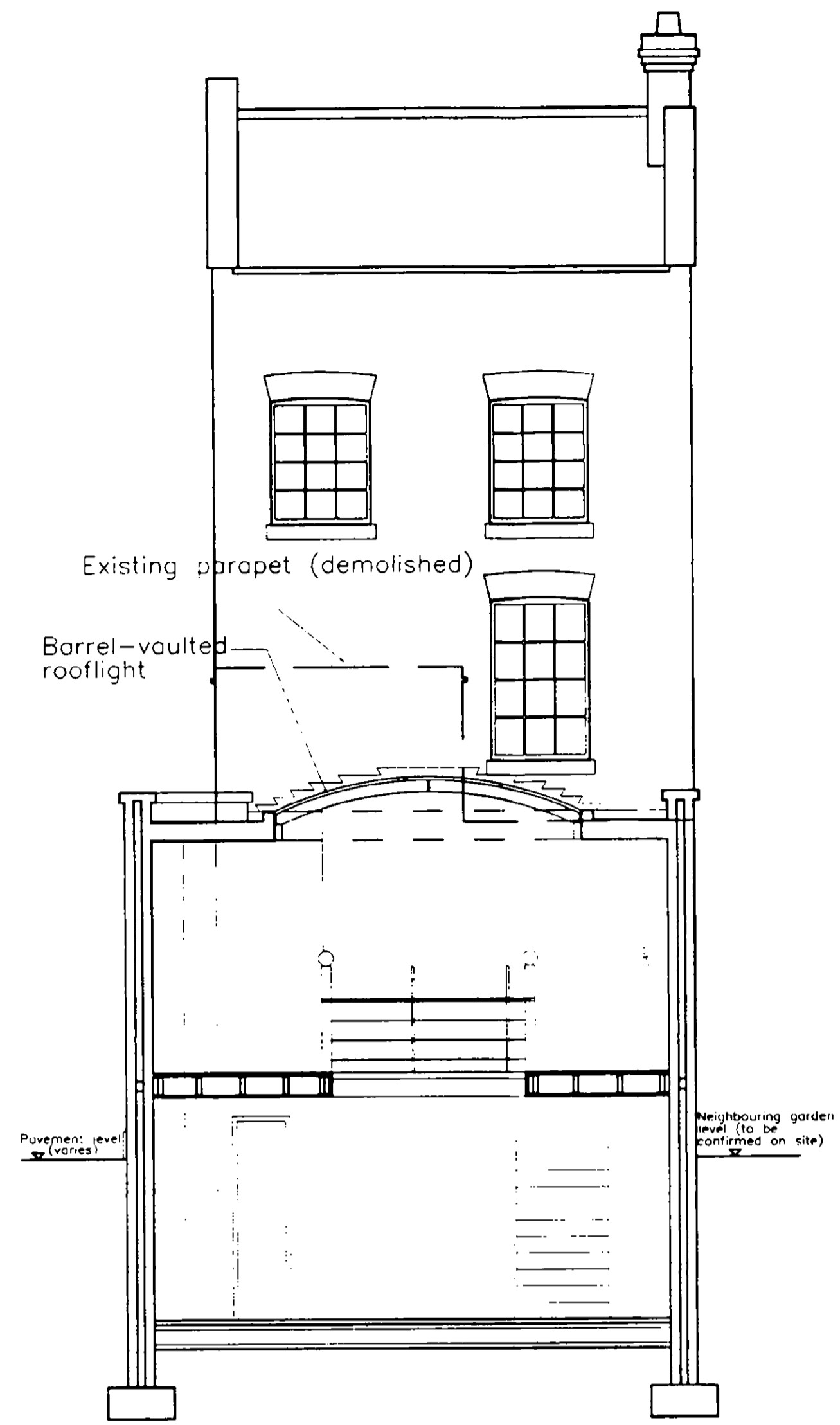
Drawing No
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Scale
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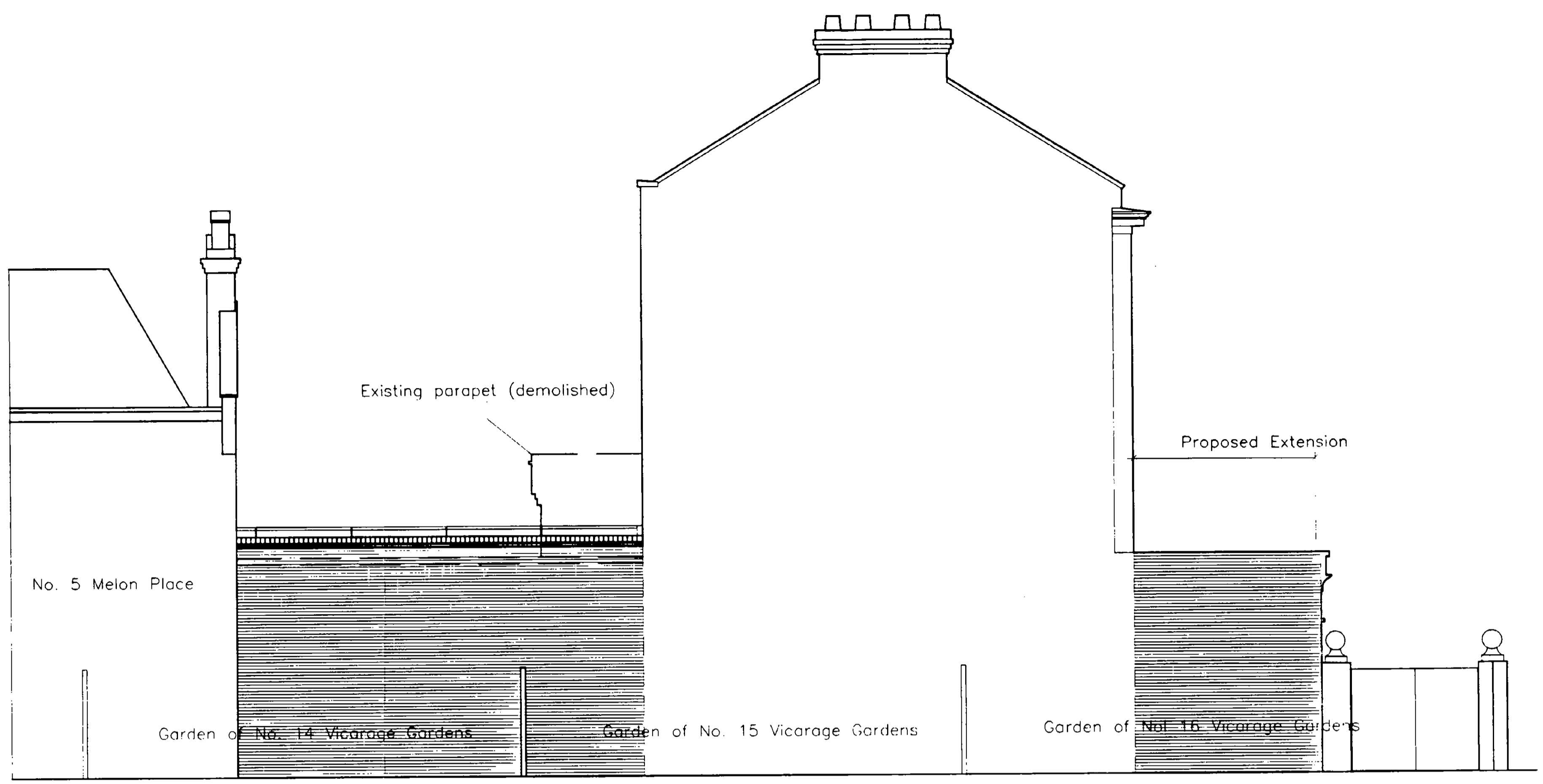
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Notes

Revisions		
No.	Date	Details
A	16xii98	Planner's comments incorporated, inc.: 1) Rooflight amended 2) Existing window retained 3) Rear extension wall relief amended.

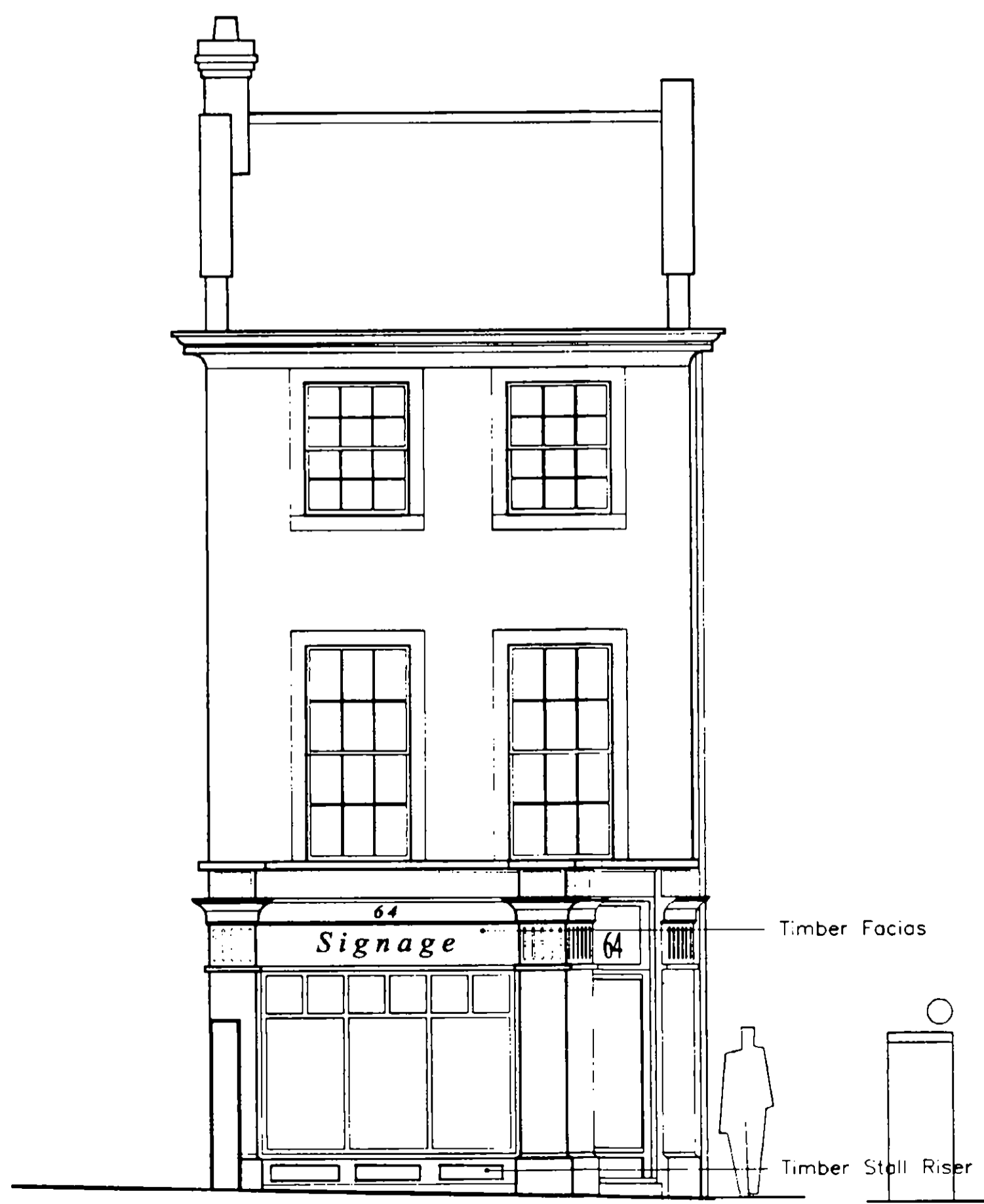


EAST ELEVATION/SECTION A-A

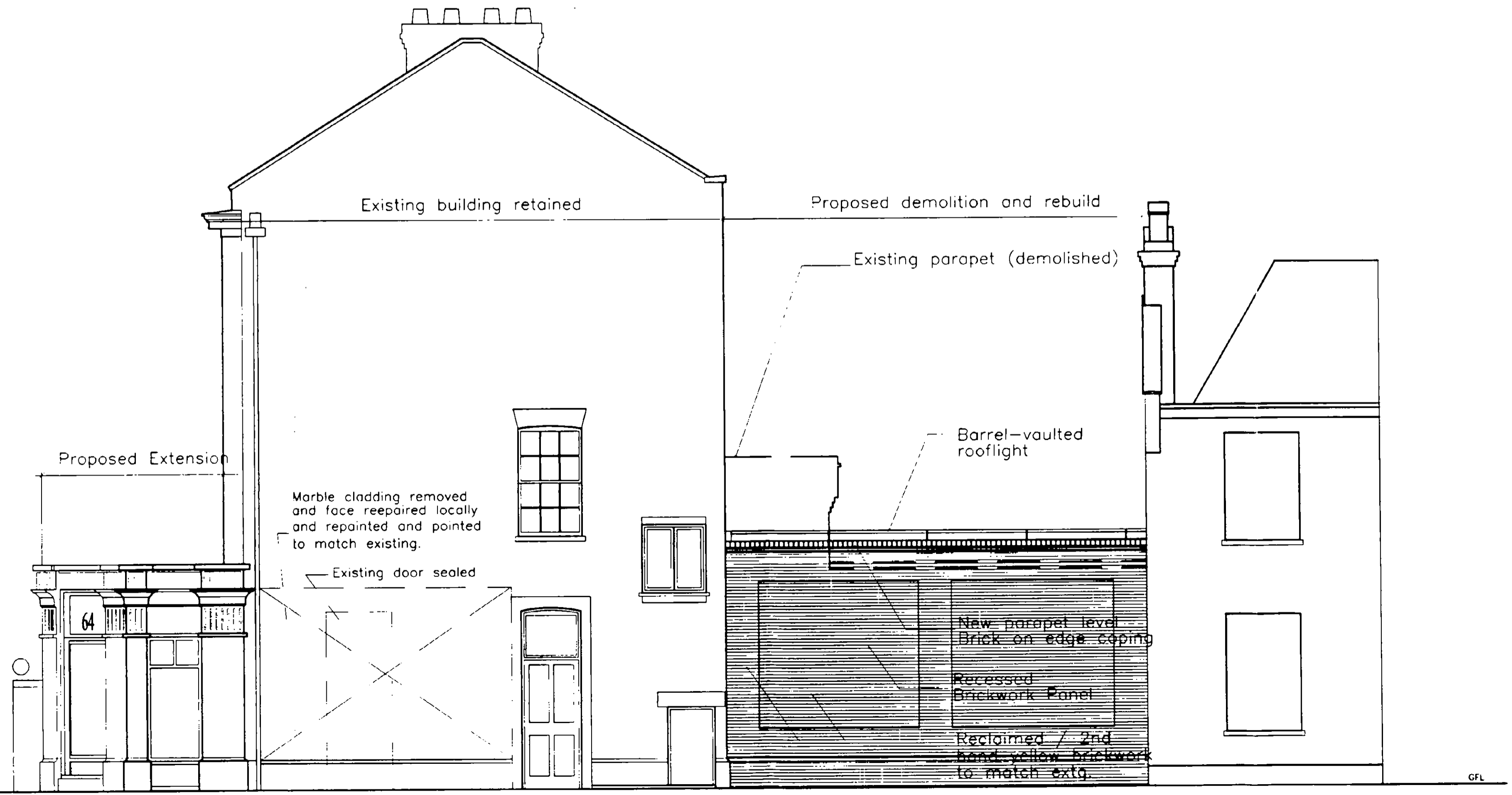


NORTH ELEVATION

No. 64/64a Kensington Church Street



WEST ELEVATION



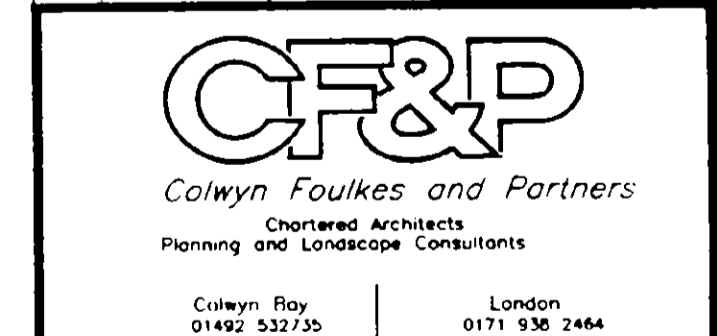
SOUTH ELEVATION

No. 64/64a Kensington Church Street

No. 5 Melon Place

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 16 DEC 1998
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Tp/98/2078A



Project
 64 KENSINGTON
 CHURCH STREET

Title
 ELEVATIONS OF
 PROPOSALS &
 SECTION A-A

Drawn MAS	Date 23.10.98	Checked
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Drawing No.
 L-243/L(0)81 Rev A

Scale
 1:50

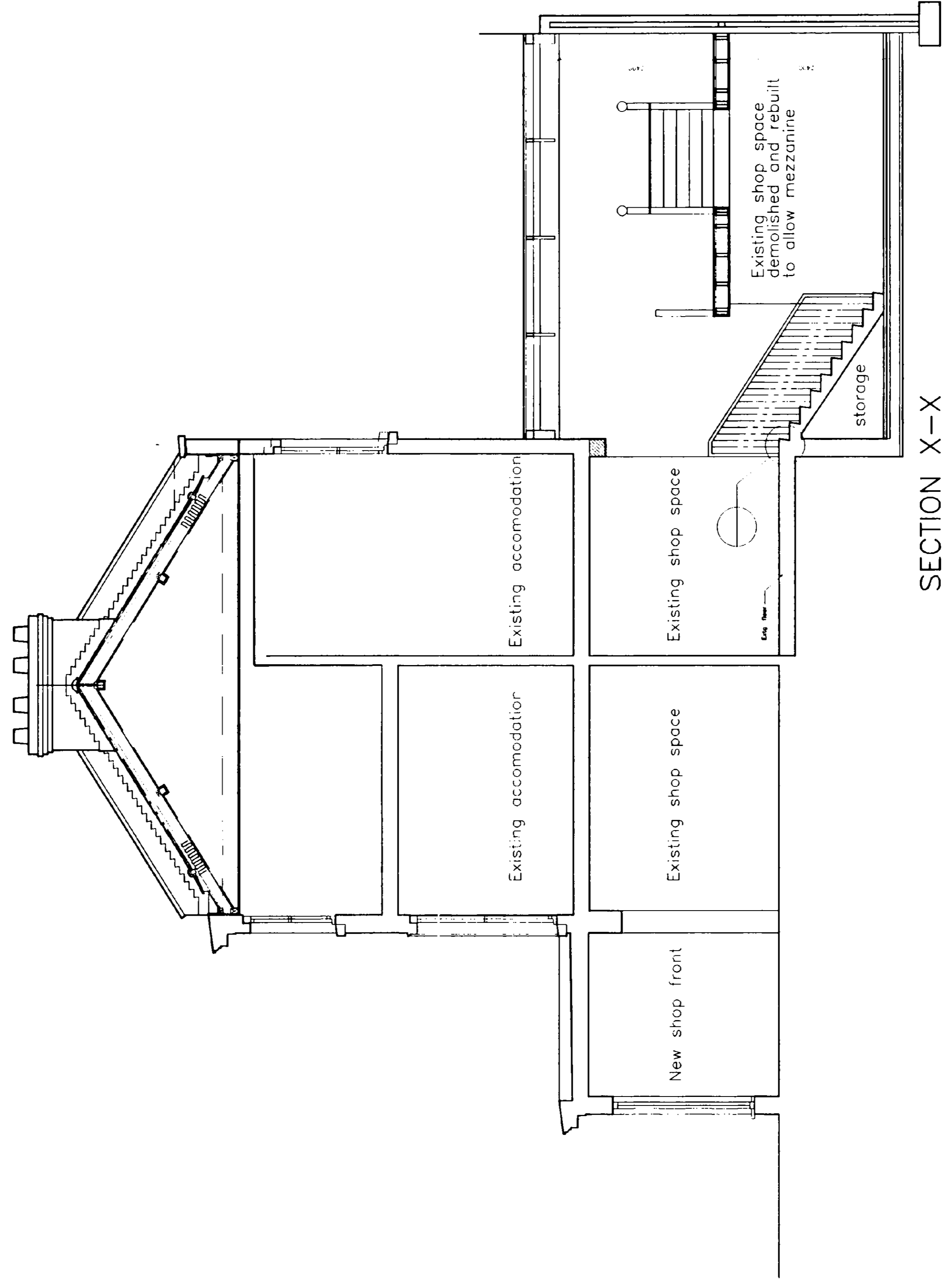
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Notes

Revisions	
No.	Date
A	16/11/98

Planner's comments incorporated, inc.:

- 1) Footlight amended
- 2) Existing window retained



SECTION X-X

21/10/2018 A

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Project
 64 KENSINGTON
 CHURCH STREET

Title
 SECTION X-X
 OF PROPOSAL

Drawn	Date	Checked
MAS	23.10.98	

Drawing No.
 L-243/L(0)82 Rev A

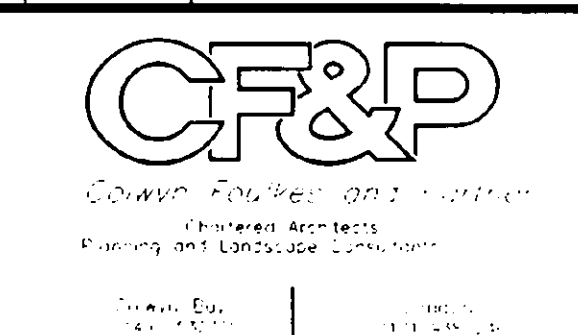
Scale
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Revisions

N	Date	Details

TP: 92078



64 KENSINGTON CHURCH STREET

EXISTING ELEVATIONS

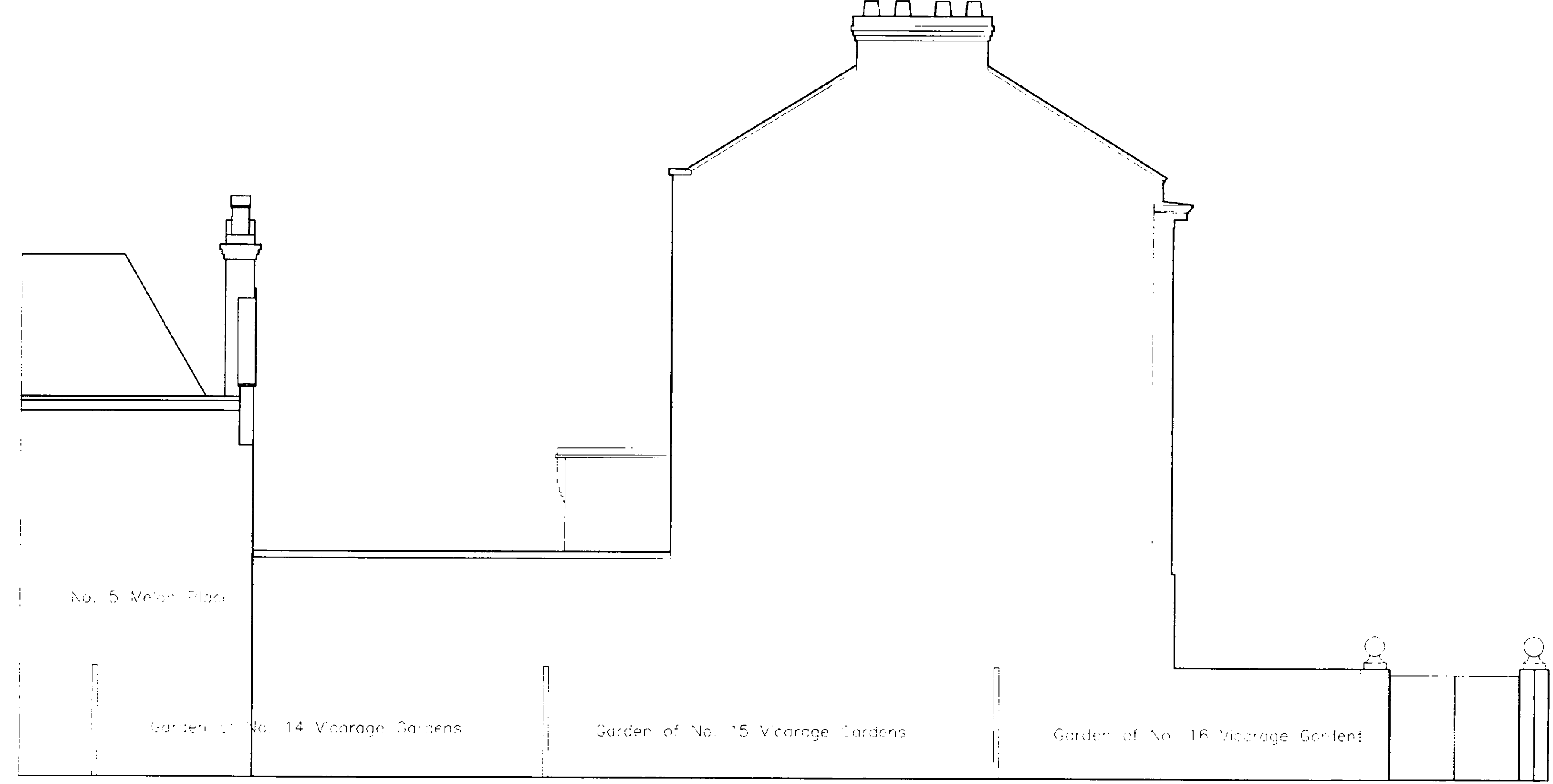
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MAS	11.06.98	

L-243/L(0)23

1:50



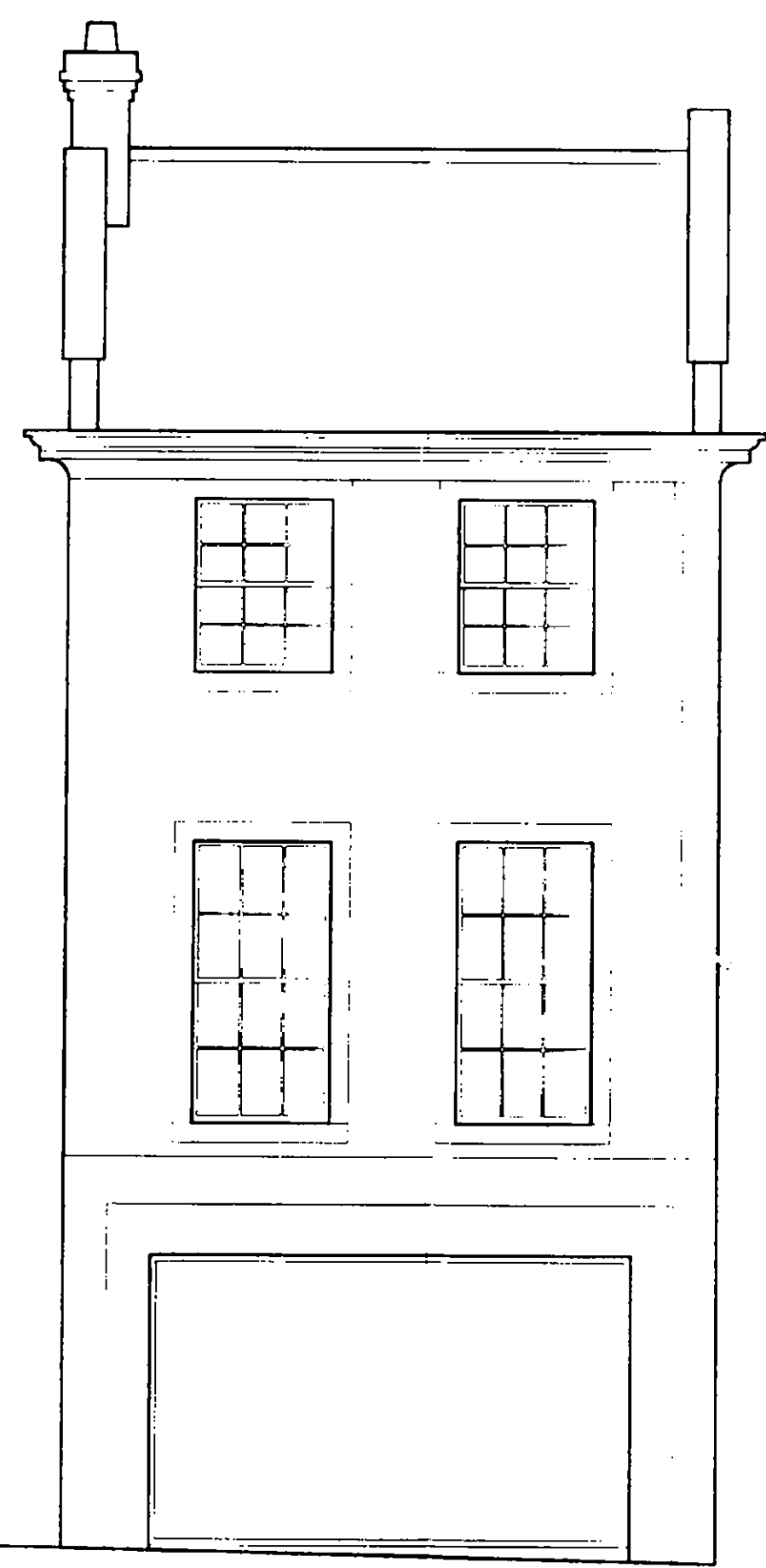
EAST ELEVATION



NORTH ELEVATION

No. 64/64a Kensington Church Street

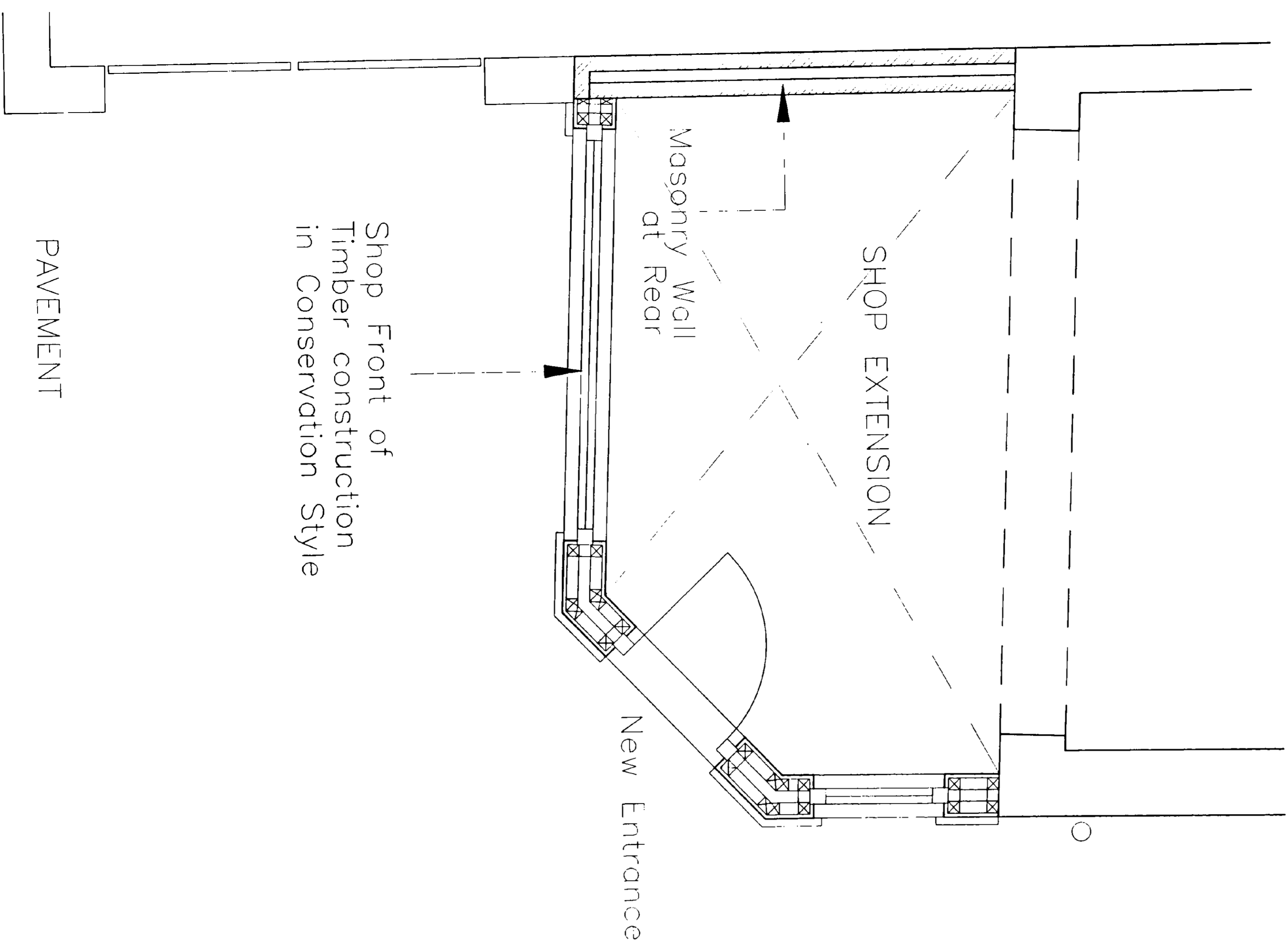
DOWN TOWN
 -217 WBS
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WEST ELEVATION




SOUTH ELEVATION



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No.	Date

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 Planning and Landscape Consultants
 Corner Bay
 01753 582205
 London N4S
 01753 582205

Project
 64 KENSINGTON
 CHURCH STREET

Title
 DETAILS OF
 PROPOSED
 SHOP FRONT

Drawn
 MAS

Date
 23.10.98

Checked
 MAS

Showing No.
 L-243/L(0)62

Scale
 1:20

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Notes

Revisions	
No.	Date

Details	

TP582078

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Conservation Architects
Planning and Landscape Consultants
Carmyn Bay
01492 532116
London
011 952 2444

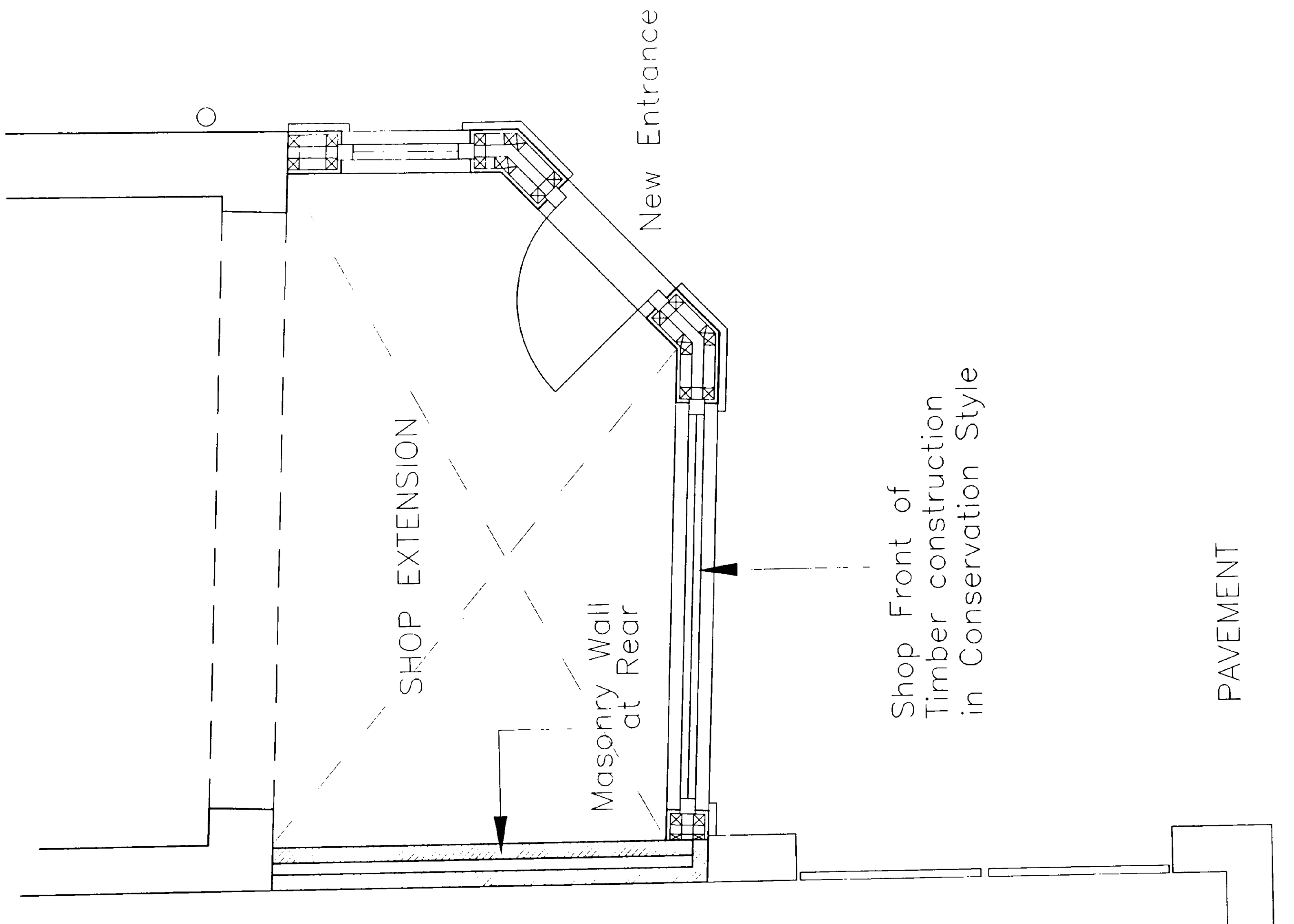
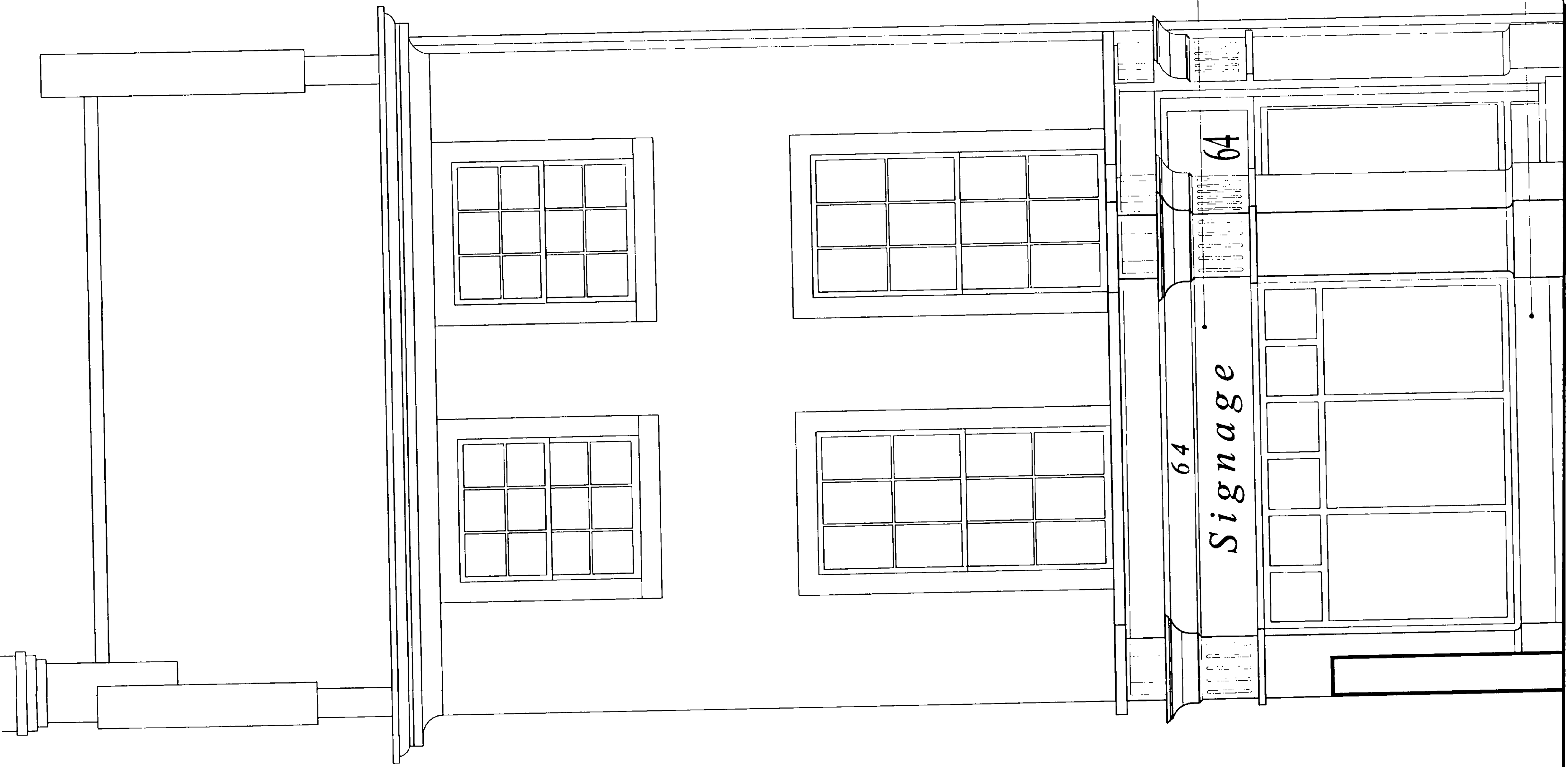
Project
64 KENSINGTON
CHURCH STREET

Title
DETAILS OF
PROPOSED
SHOP FRONT

Drawn	Date	Checked
MAS	23.10.98	

Drawing No.
L-243/L(0)62

Scale
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Notes

Revisions	
No	Date

Details	
No	Date

TP: 92078

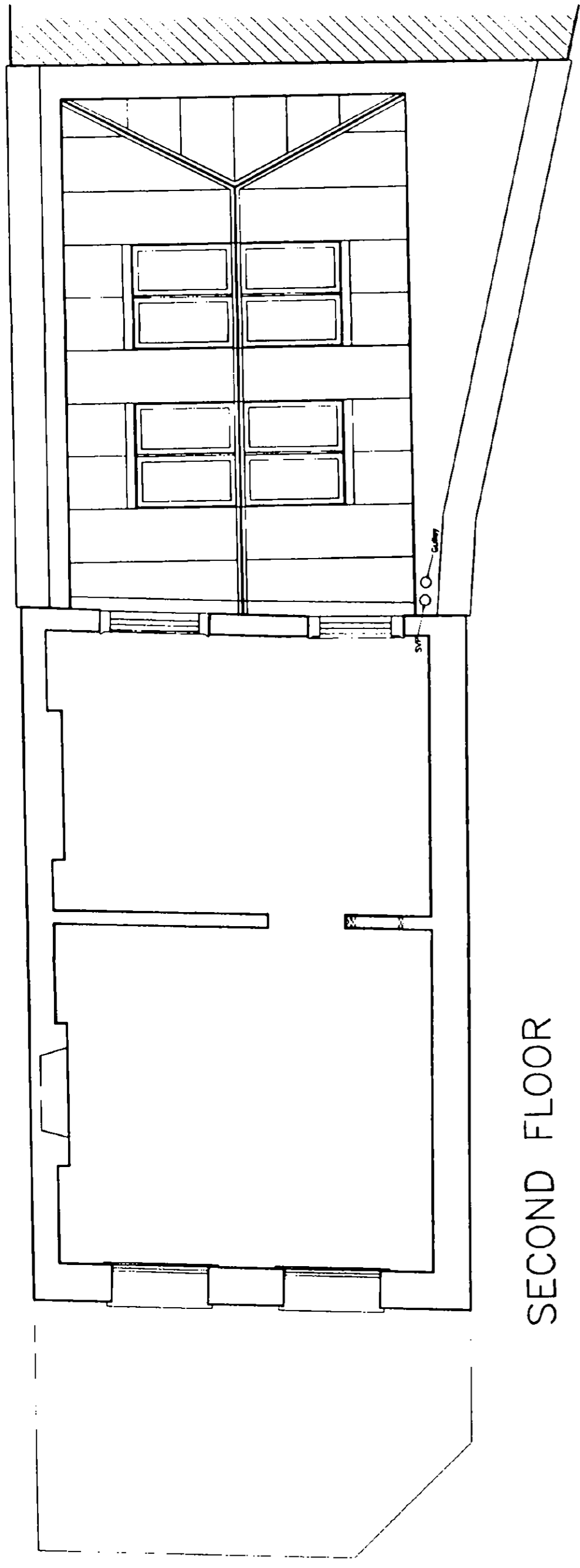
CF&P
 Colwyn Foulkes and Partners
 Chartered Architects
 Planning and Landscape Consultants
 Colwyn Bay
 Gwynedd LL57 2AA
 London
 01752 821244

Project
 64 KENSINGTON
 CHURCH STREET

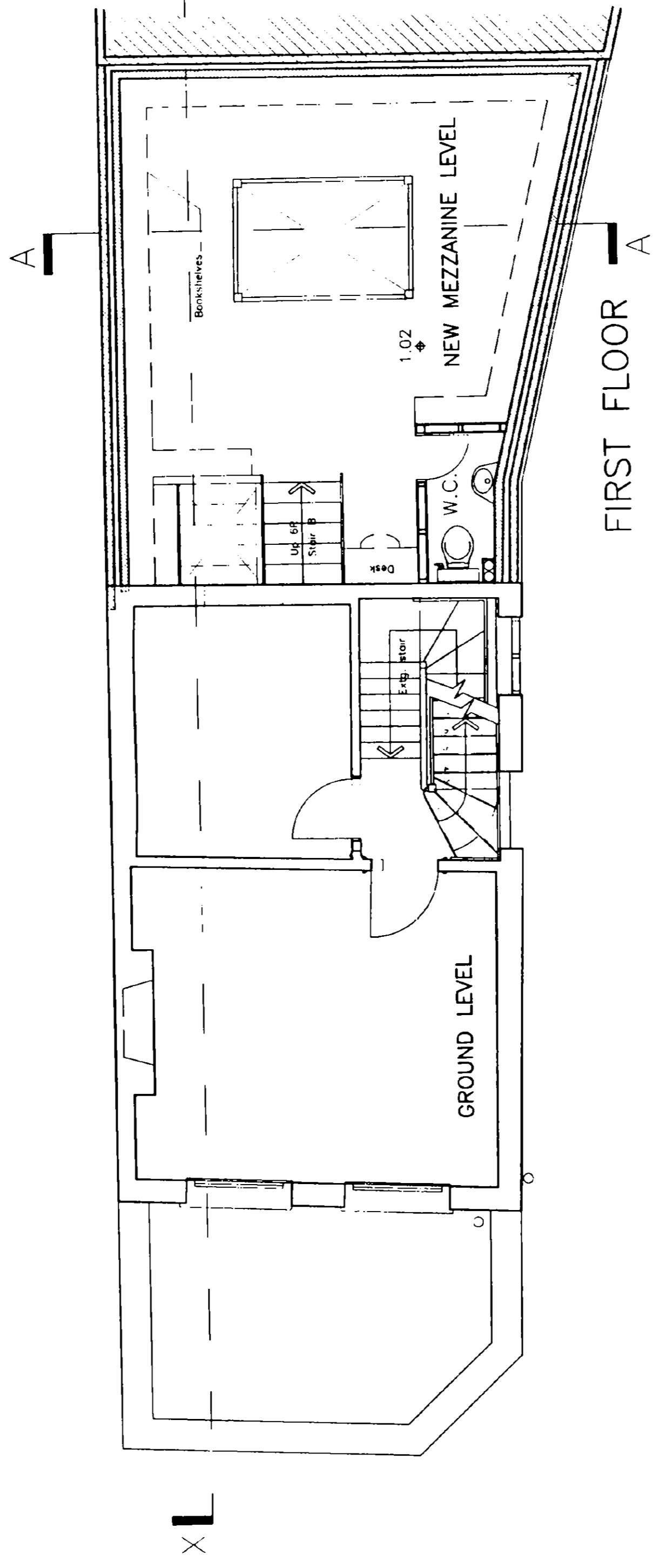
Title
 PLANS OF
 PROPOSALS

Drawn	Date	Checked
MAS	23.10.98	

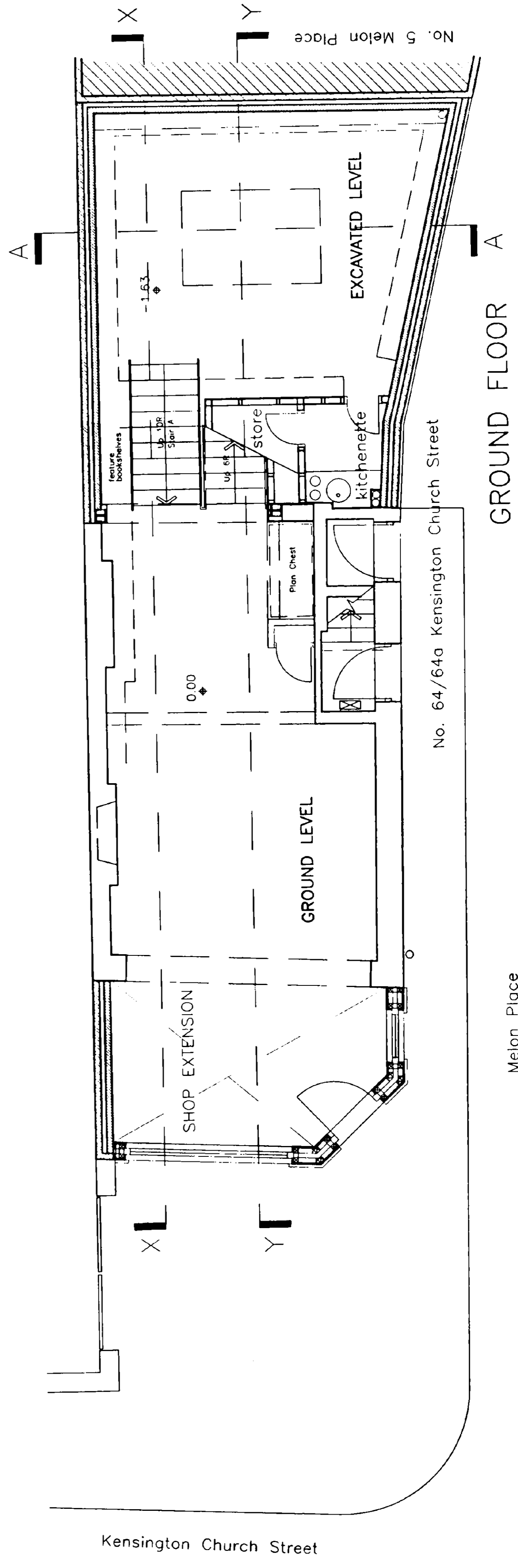
Drawing No.	Scene
L-243/L(0)80	1:50



SECOND FLOOR



FIRST FLOOR



GROUND FLOOR

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Notes

Revisions	
No	Date
	Details

	TP:82078
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 Planning and Landscape Consultants
 Colwyn Bay | London
 01492 53275 | 0171 538 2464

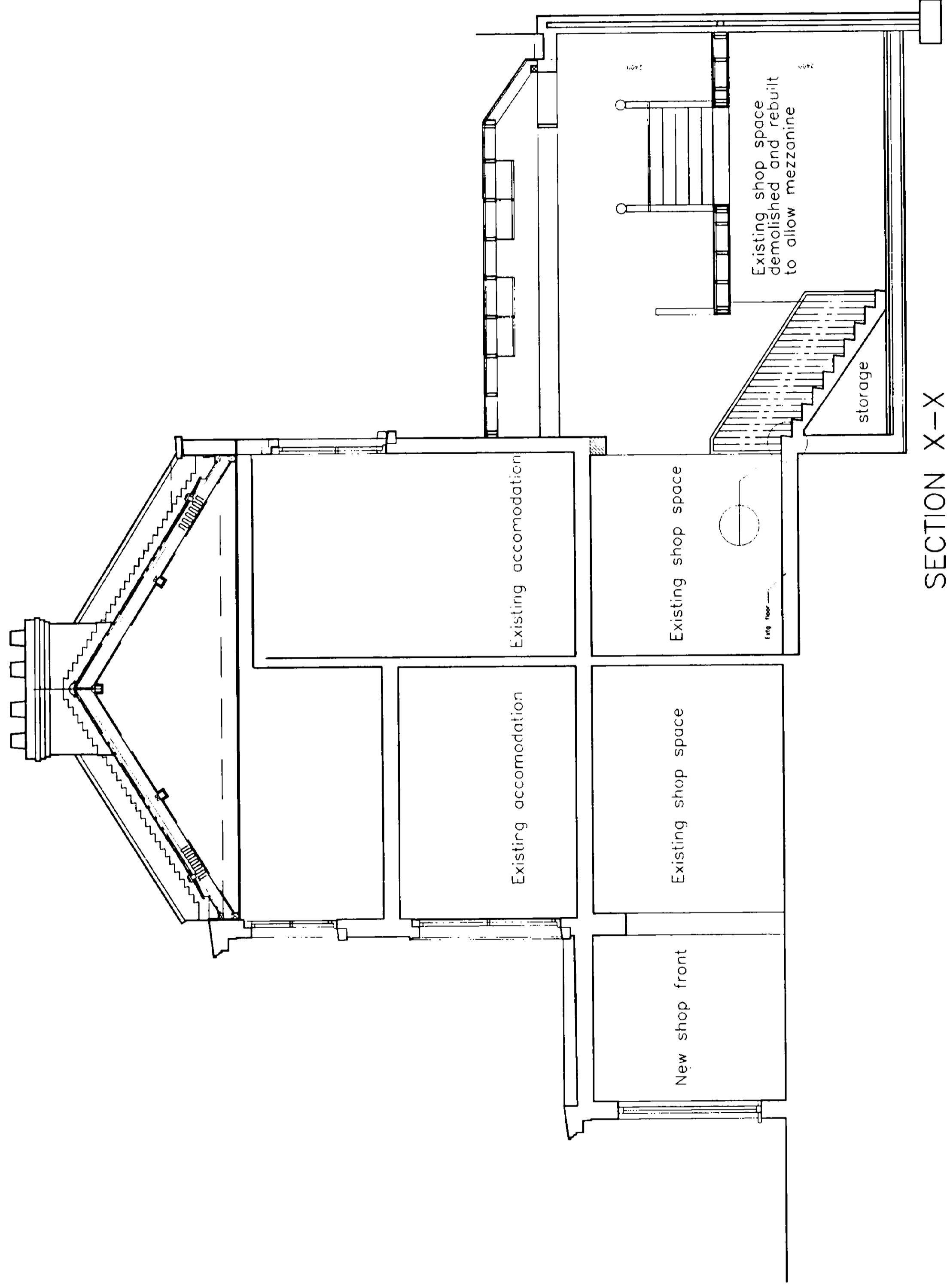
Project
**64 KENSINGTON
 CHURCH STREET**

Title
**SECTION X-X
 OF PROPOSAL**

Drawn MAS	Date 23.10.98	Checked
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Drawing No.
 L-243/L(0)82

Scale
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SECTION X-X

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Notes

Revisions	No	Date	Details

TP:02078

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Colwyn Foulkes and Partners
Chartered Architects
Planning and Landscape Consultants
Osney Mead, Oxford OX2 0EL
01865 202200

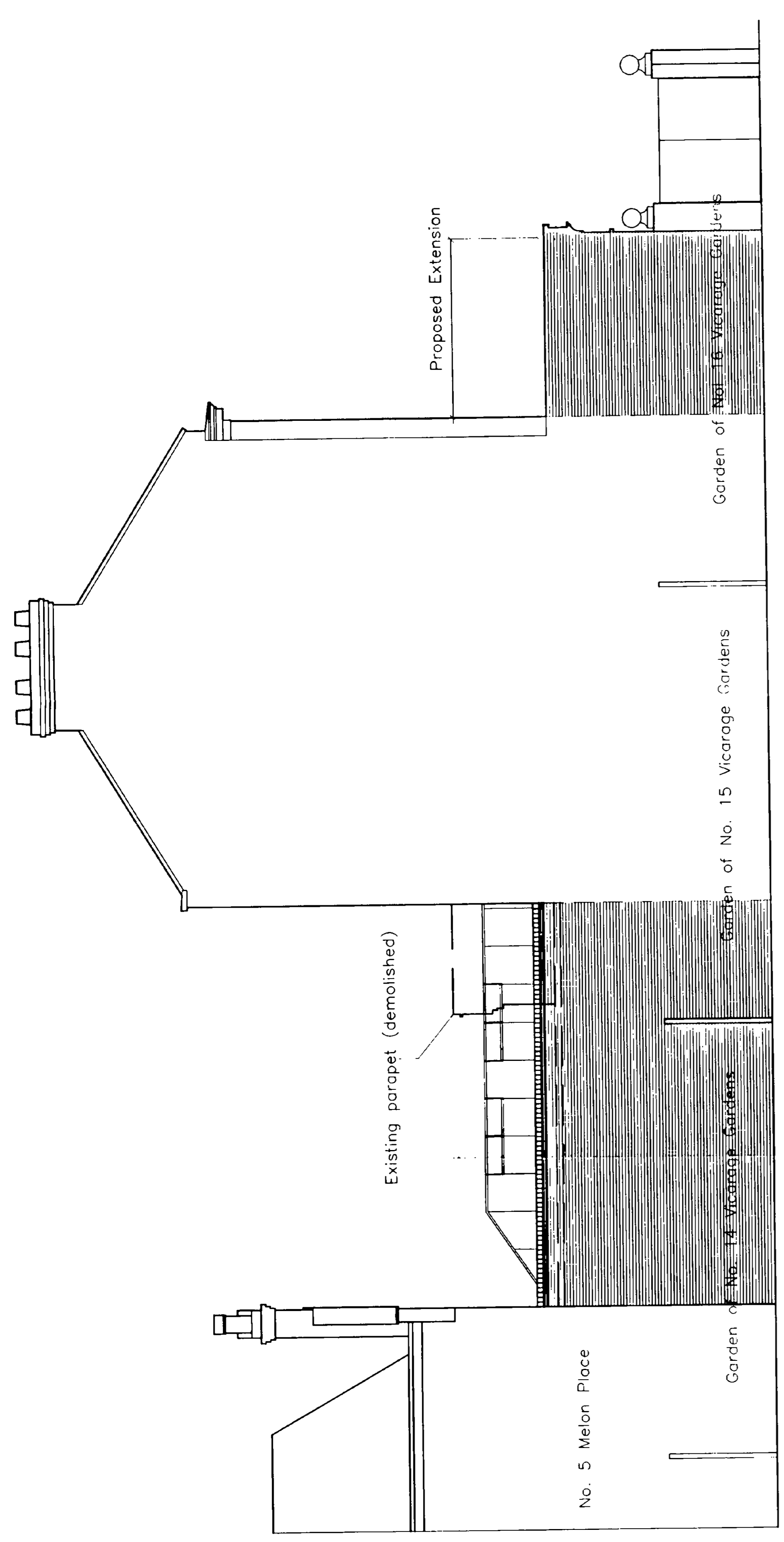
Project: 64 KENSINGTON CHURCH STREET

Title: ELEVATIONS OF PROPOSALS & SECTION A-A

Drawn: MAS
Date: 23.10.98
Checked: []

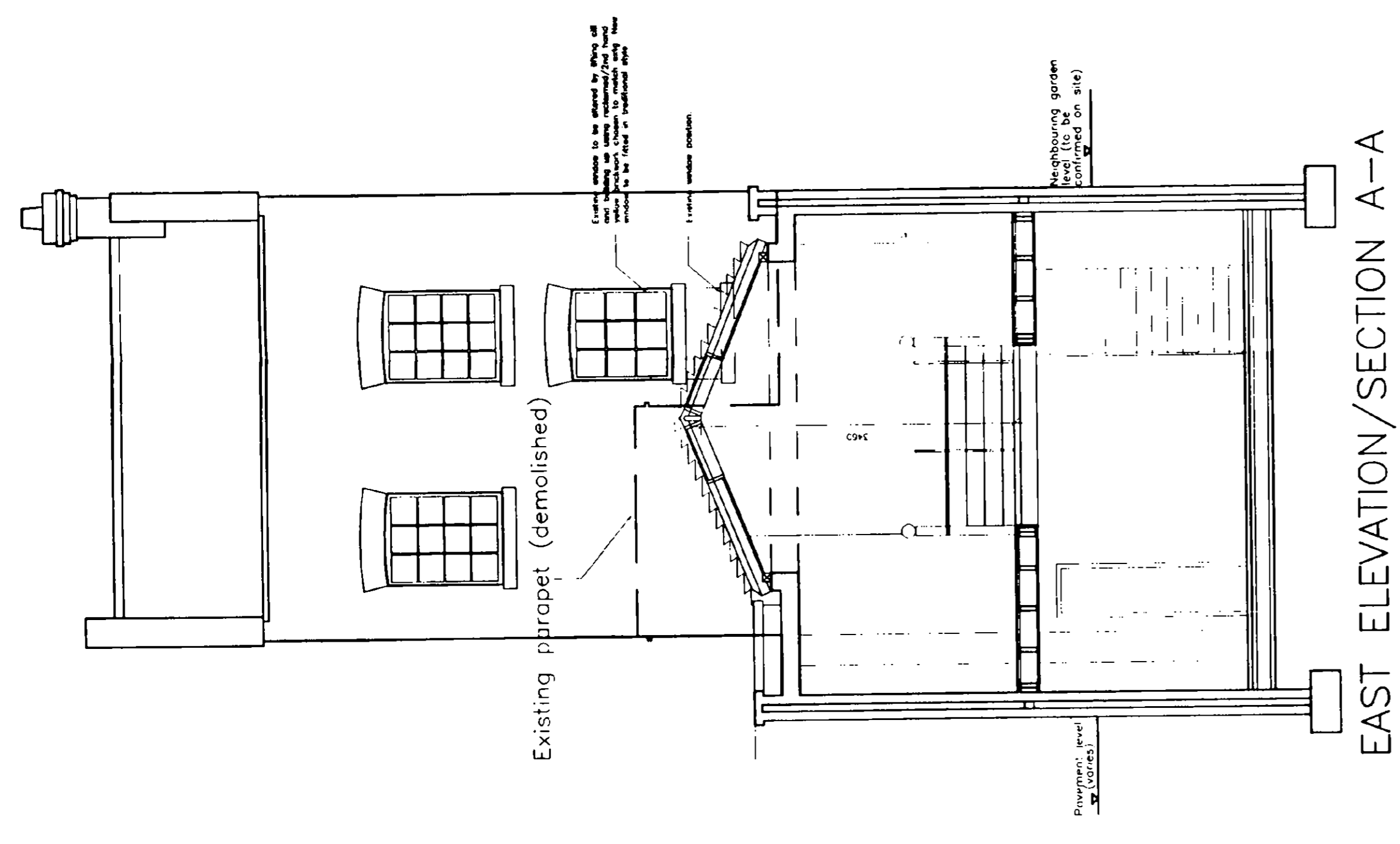
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Scale: 1:50

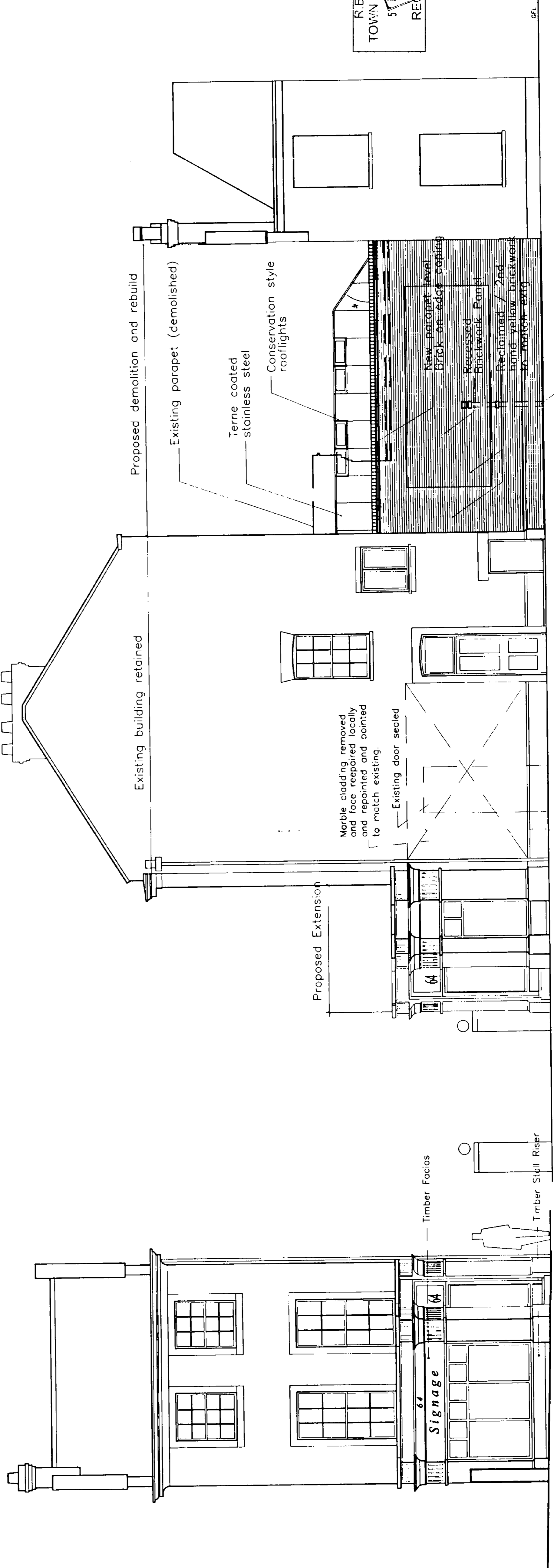


NORTH ELEVATION

No. 64/64a Kensington Church Street



EAST ELEVATION/SECTION A-A



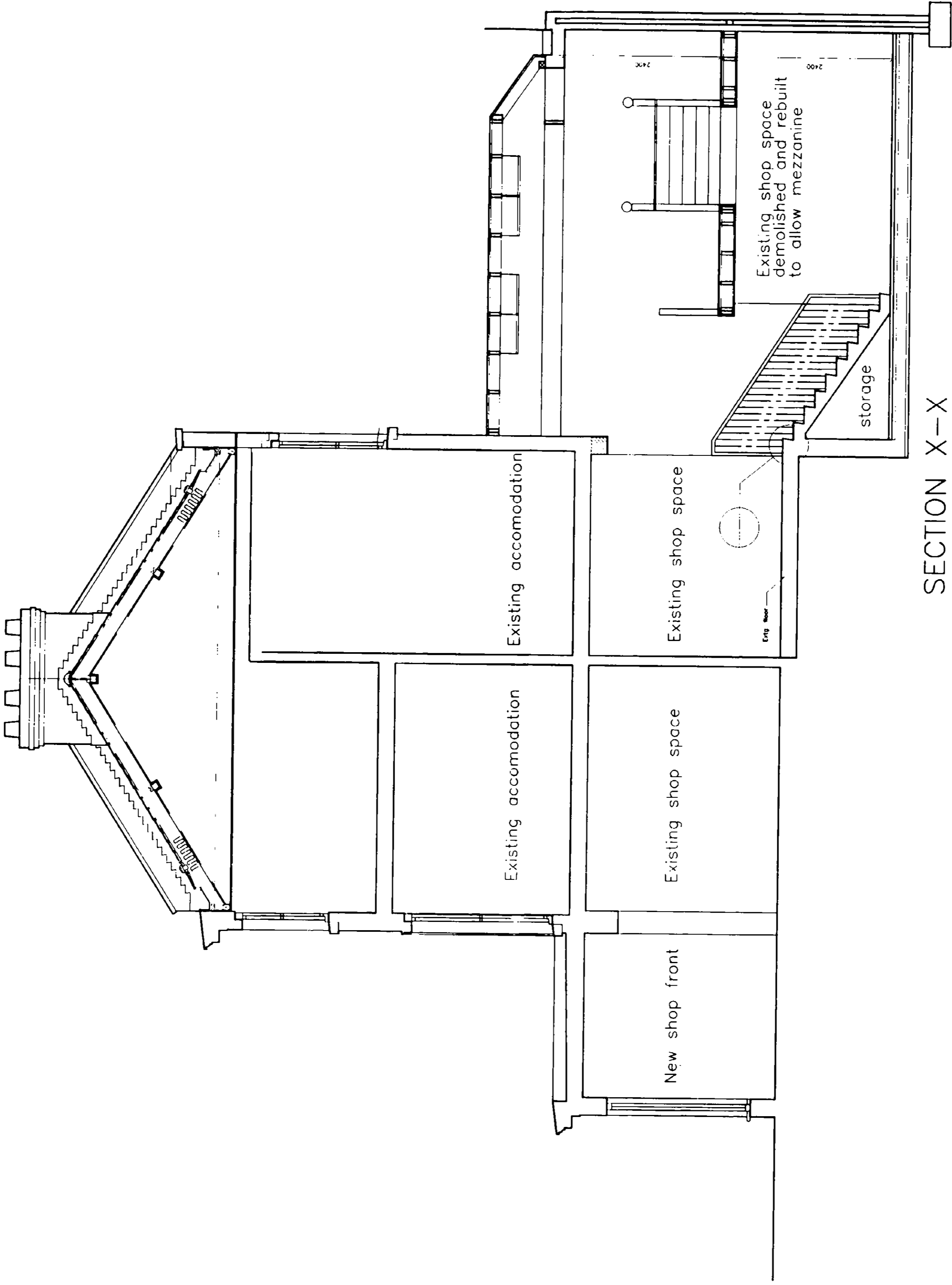
SOUTH ELEVATION

WEST ELEVATION

No. 64/64a Kensington Church Street

No. 5 Melon Place

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TOWN PLANNING
5, 6 & 7, U3
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TP982078

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Notes

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No.	Date
Details	

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 Colwyn Foulkes and Partners
 Planning and Landscape Consultants
 Colwyn Bay, Gwynedd, LL57 2JG
 London, 0113 232 266

Project
 64 KENSINGTON
 CHURCH STREET

Title
 SECTION X-X
 OF PROPOSAL

Drawn	Date	Checked
MAS	23.10.98	

Drawn by
 L-243/L(0)82

Scale
 1:50

1998

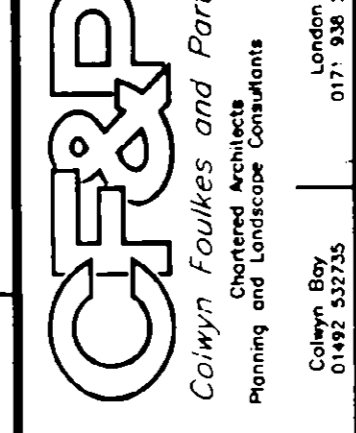
This drawing must be printed on A3 paper. All dimensions must be in millimeters. All drawings must be scaled. All drawings must be checked and approved by the Architect. This drawing is copyright of the Architect. Detail drawings and larger scale drawings take precedence over smaller scale drawings.

Note:

Revisions	
No.	Date

Details	

TP982



Colwyn Faulkes and Partners
Chartered Architects
Planning and Landscape Consultants
Clyde Rd
Glasgow G12 5JZ
Tel: 0175 938 0776

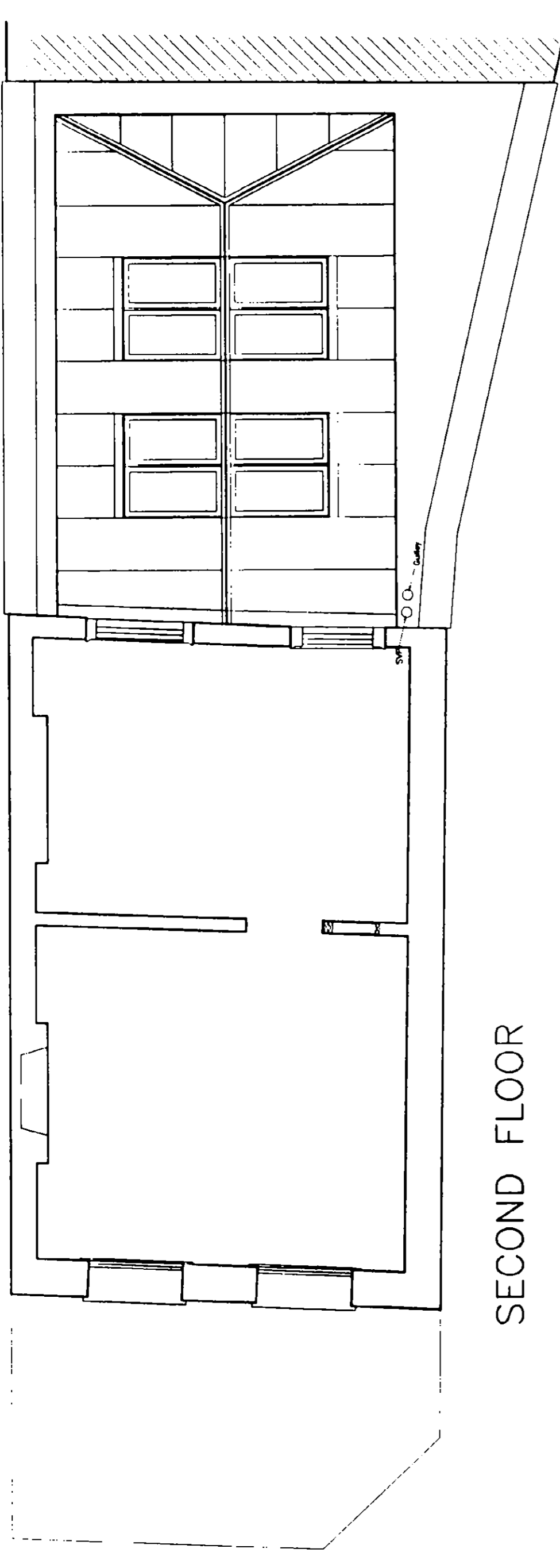
Project
64 KENSINGTON
CHURCH STREET

Title
PLANS OF
PROPOSALS

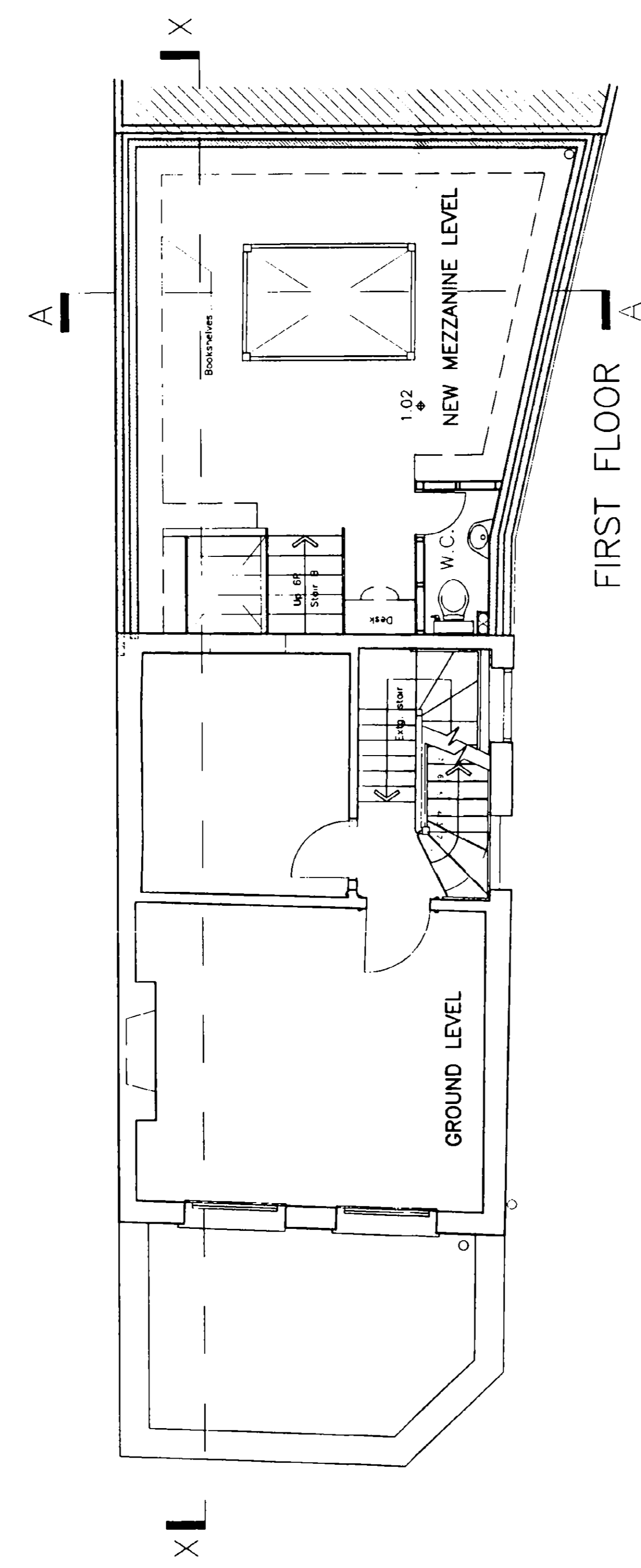
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MAS	23.10.98	

Drawing No:
L-243/L(0)80

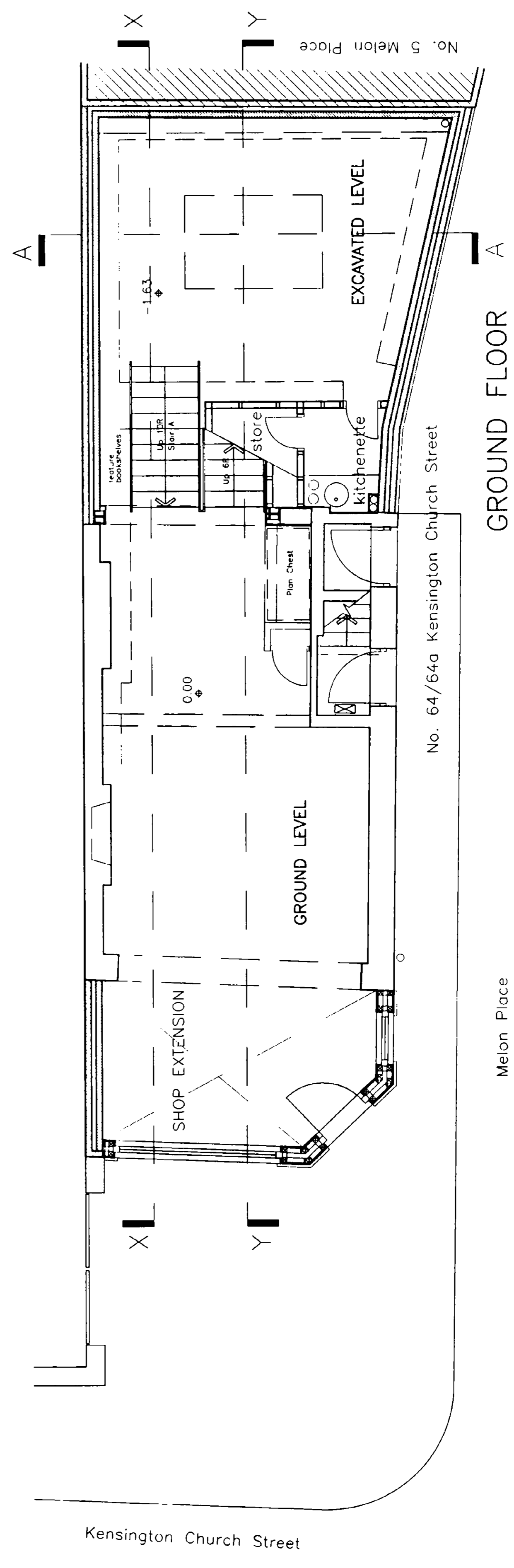
Scale:
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SECOND FLOOR



FIRST FLOOR



GROUND FLOOR

Kensington Church Street

Melon Place

No. 64/64a Kensington Church Street

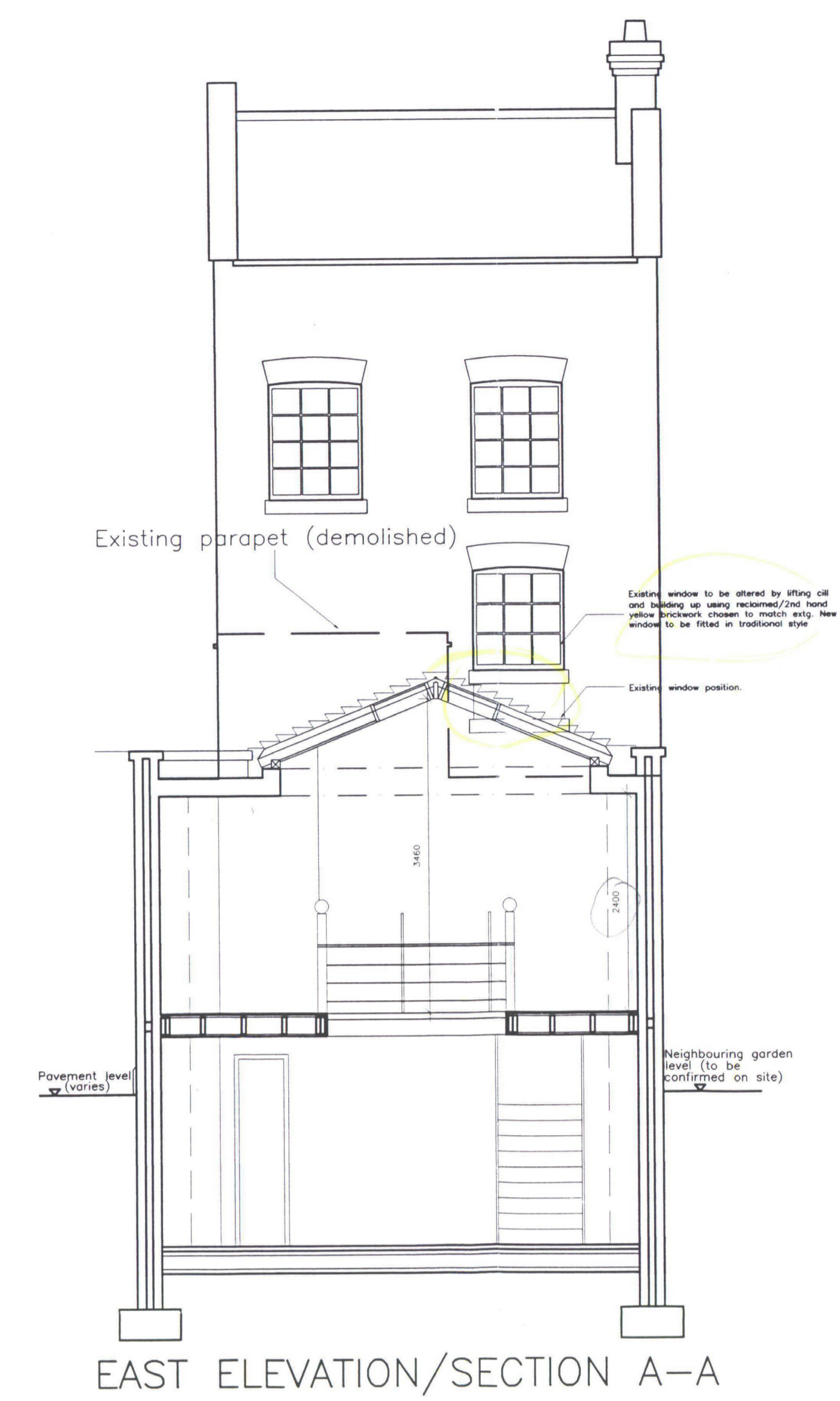
No. 5 Melon Place

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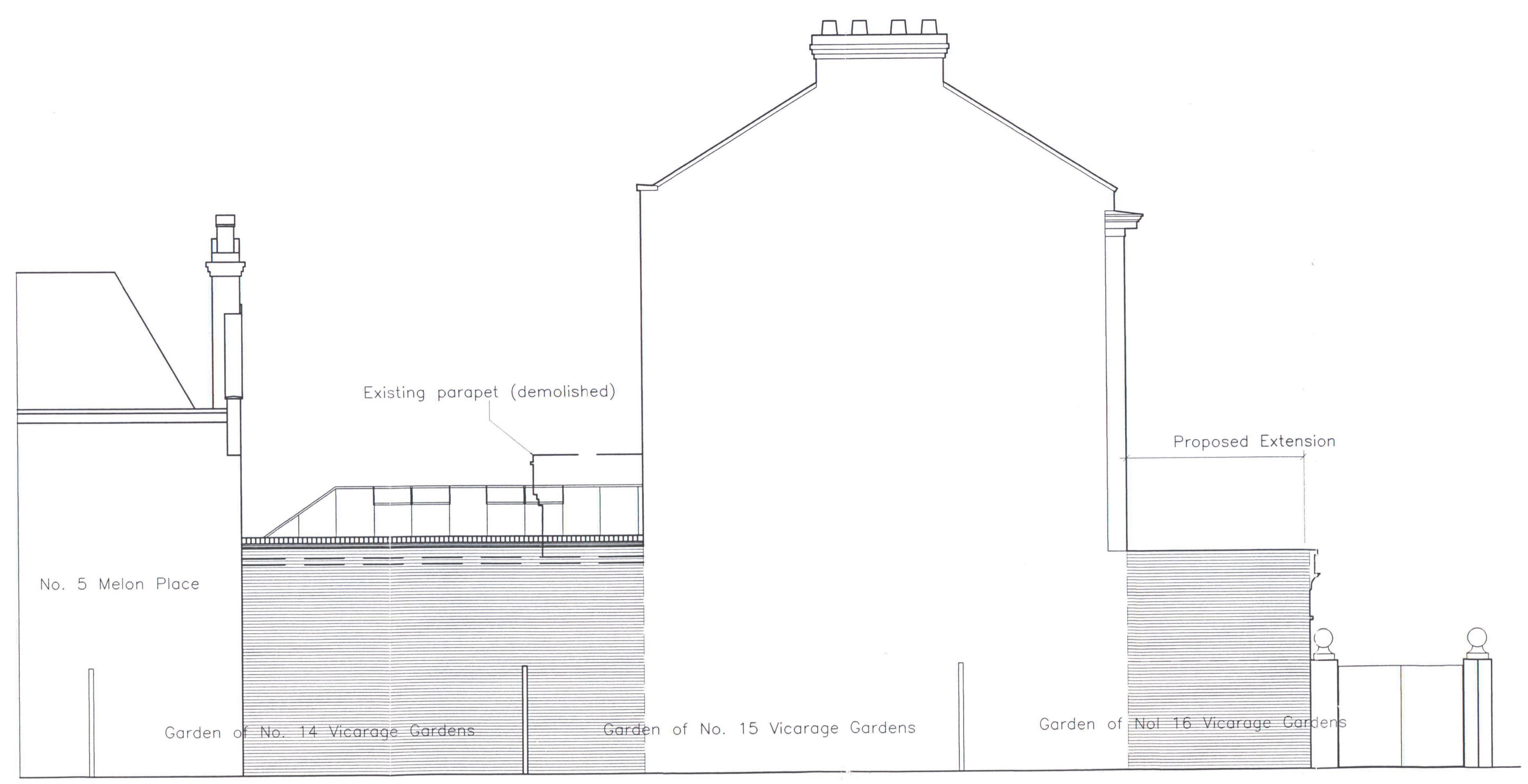
Notes

Revisions

No.	Date	Details



EAST ELEVATION/SECTION A-A

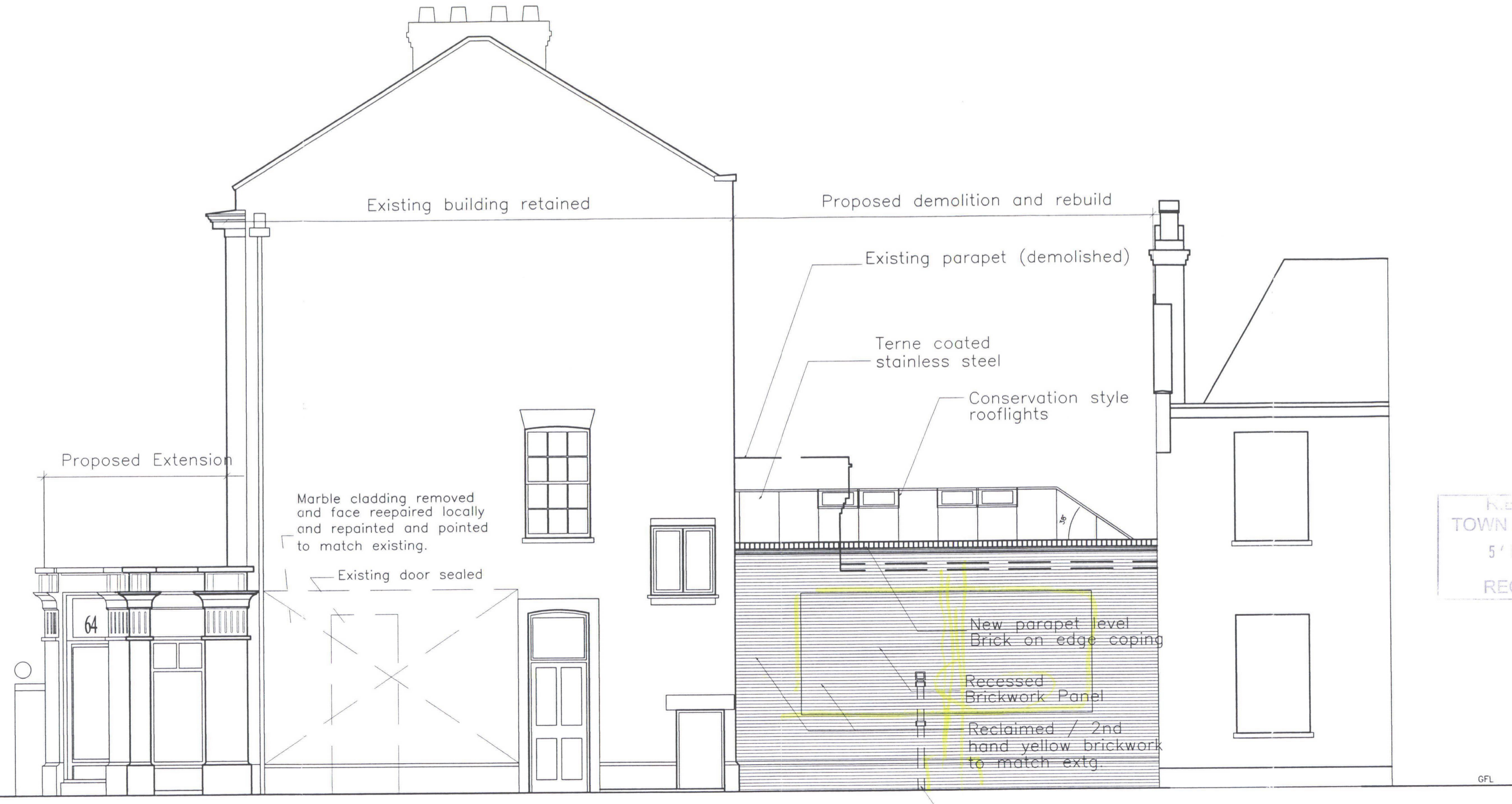


NORTH ELEVATION

No. 64/64a Kensington Church Street



WEST ELEVATION



SOUTH ELEVATION

No. 64/64a Kensington Church Street

No. 5 Melon Place

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 TOWN PLANNING
 5' 11" 11" 11"
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Project
 64 KENSINGTON CHURCH STREET

Title
 ELEVATIONS OF PROPOSALS & SECTION A-A

Drawn Date Checked
 MAS 23.10.98

Drawing No.
 L-243/L(0)81

Scale
 1:50

I:\L-243\0\Phase 1\1\981\243-B1.dwg Wed Oct 28 14:15:14 1998

-Additional information required in respect of Applications for INDUSTRIAL, OFFICE, WAREHOUSING, STORAGE or SHOPS

(Attention is drawn to 'General Notes for Applicants')

TP982078

Application No.
(For Official Use Only)

(Those questions relevant to the proposed development to be answered)

1. In the case of industrial development, give a description of the processes to be carried on and of the end products, and the type of plant or machinery to be installed.	N/A																																							
2. If the proposal forms a stage of a larger scheme for which planning permission is not at present sought, please give what information you can about the ultimate development. (See Note overleaf)	N/A																																							
3. Is the proposal related to an existing use in Greater London? If so, please explain the relationship.	State Yes or No <input type="checkbox"/> NO																																							
4. Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory? If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.	State Yes or No <input type="checkbox"/> NO																																							
5. (a) What is the total floor space of all buildings to which the application relates? (b) What is the amount of industrial floor space included in the above figure? (c) What is the amount of office floor space? (d) What is the amount of floor space for retail trading? (e) What is the amount of floor space for storage? (f) What is the amount of floor space for warehousing?	Existing (if any) (See General Notes)		Proposed new floor space (See General Notes)																																					
(a)	125	(163.8-125=38.8	m ² /sq.ft.																																					
(b)	NIL	NIL	m ² /sq.ft.																																					
(c)	NIL	NIL	m ² /sq.ft.																																					
(d)	62	100.8	m ² /sq.ft.																																					
(e)	NIL	NIL	m ² /sq.ft.																																					
(f)	NIL	NIL	m ² /sq.ft.																																					
6. (i) How many (a) office (b) industrial and (c) other staff will be employed on the site as a result of the development proposed? (ii) If you have existing premises on the site, how many of the employees will be new staff? (iii) If you propose to transfer staff from other premises, please give details of the numbers involved and of the premises affected.	<table border="1"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">(a) Office</th> <th colspan="2">(b) Industrial</th> <th colspan="2">(c) Other staff</th> </tr> <tr> <th>M</th> <th>F</th> <th>M</th> <th>F</th> <th>M</th> <th>F</th> </tr> </thead> <tbody> <tr> <td>(i)</td> <td></td> <td></td> <td></td> <td></td> <td>1-2</td> <td>2</td> </tr> <tr> <td>(ii)</td> <td>N/A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>(iii)</td> <td>N/A</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>							(a) Office		(b) Industrial		(c) Other staff		M	F	M	F	M	F	(i)					1-2	2	(ii)	N/A						(iii)	N/A					
	(a) Office		(b) Industrial		(c) Other staff																																			
	M	F	M	F	M	F																																		
(i)					1-2	2																																		
(ii)	N/A																																							
(iii)	N/A																																							
7. In the case of industrial or office development is the application accompanied by an industrial development certificate or office development permit? If 'NO' state why a certificate is not required.	State Yes or No <input type="checkbox"/> NO																																							
8. What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes)	OFFSTREET.																																							
9. Is the estimated vehicular traffic flow to the site on a normal working day? (Please include all vehicles those used by individual employees driving to work)	1 OR 2 DELIVERIES EACH WEEK.																																							

0. What is the nature volume and means of disposal of any trade effluents or trade refuse?	STANDARD BINS TP982078
1. Will the proposed use involve the use or storage of any of the materials of type and quantity mentioned in General Notes for Applicants. (see note 11) If 'Yes' state materials and approximate quantities.	State Yes or No <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
2. State details of any processes sub-contracted, the percentage sub-contracted and the location of sub-contractors.	NONE
3. List materials used, giving source (locality in Great Britain or port of entry) and transport used.	N/A
4. State approximate percentages of turnover to markets under (a), (b), (c) and (d) and transport used in each case. *State name of docks or airport.	(a) Greater London Council Area: N/A (b) Elsewhere in Great Britain: (c) Exports through London Docks: other Docks: *(d) Exports through airports:

State reasons in full for desiring location first in Greater London and then on the proposed site.
(Continue on a separate sheet if necessary)

IMPROVED BUSINESS OPPORTUNITIES

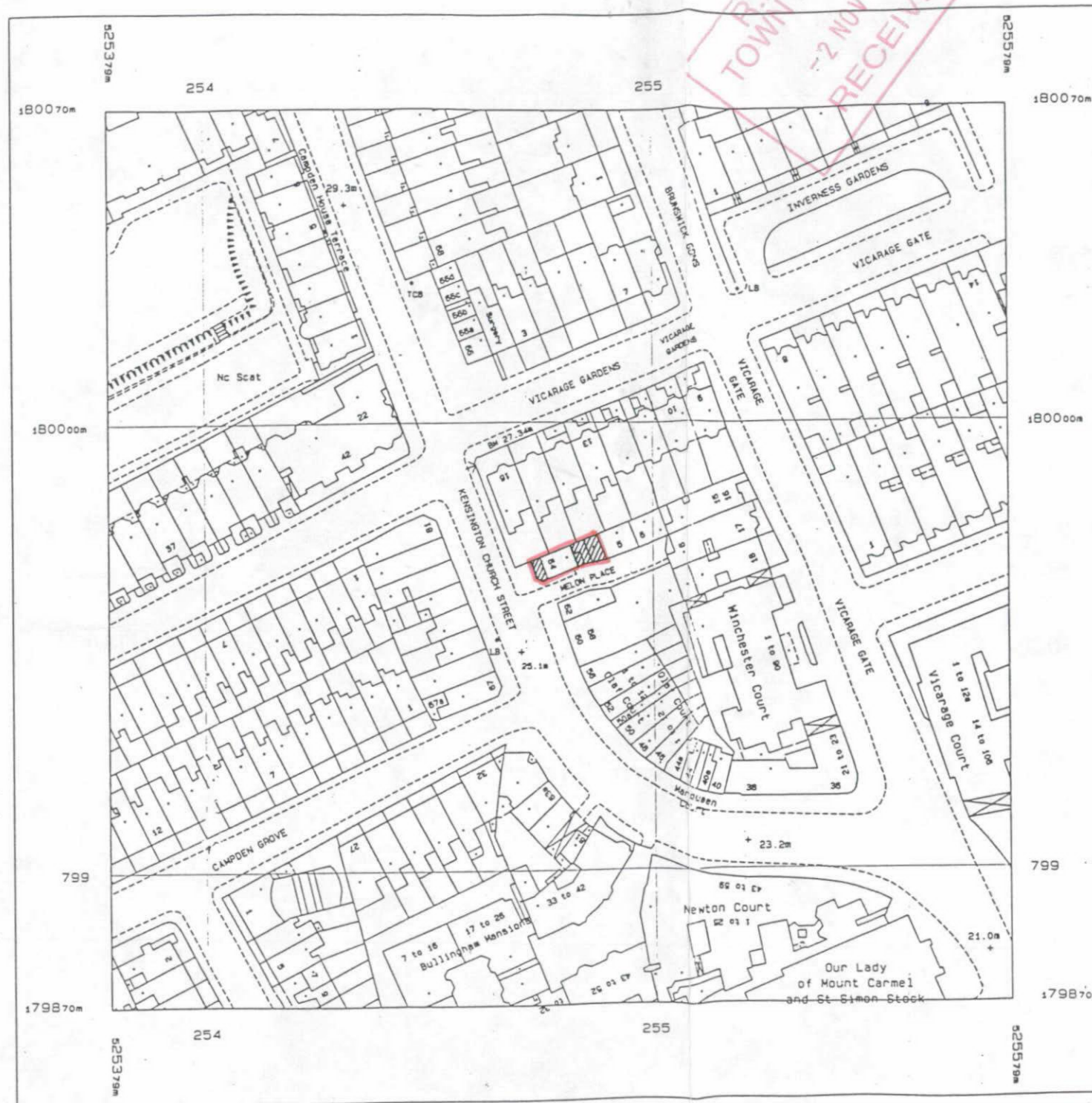
Signed: Colyon Forth On behalf of A. HARRINGTON Date: 28.10.98

NOTE

Question 2 Grant of the permission now sought would in no way commit the local planning authority in respect of any proposed ultimate overleaf development which the applicant may mention in answer to this question.

TP982078

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 TOWN PLANNING
 2 NOV 1998
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Notes

Revisions

no	date	details	chkd

Project

64 Kensington Church Street

Title

Site Location Plan

scale	drawn	date
1:1250		

No. L-243/L(0)90

CF&P

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 Chartered Architects
 Planning and Landscape Consultants

Colwyn Bay
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TP982078



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Revisions

no	date	details	chkd

Project

64 Kensington Church Street

Title

Site Location Plan

scale

1:1250

drawn

date

No.

L-243/L(0)90

CF&P

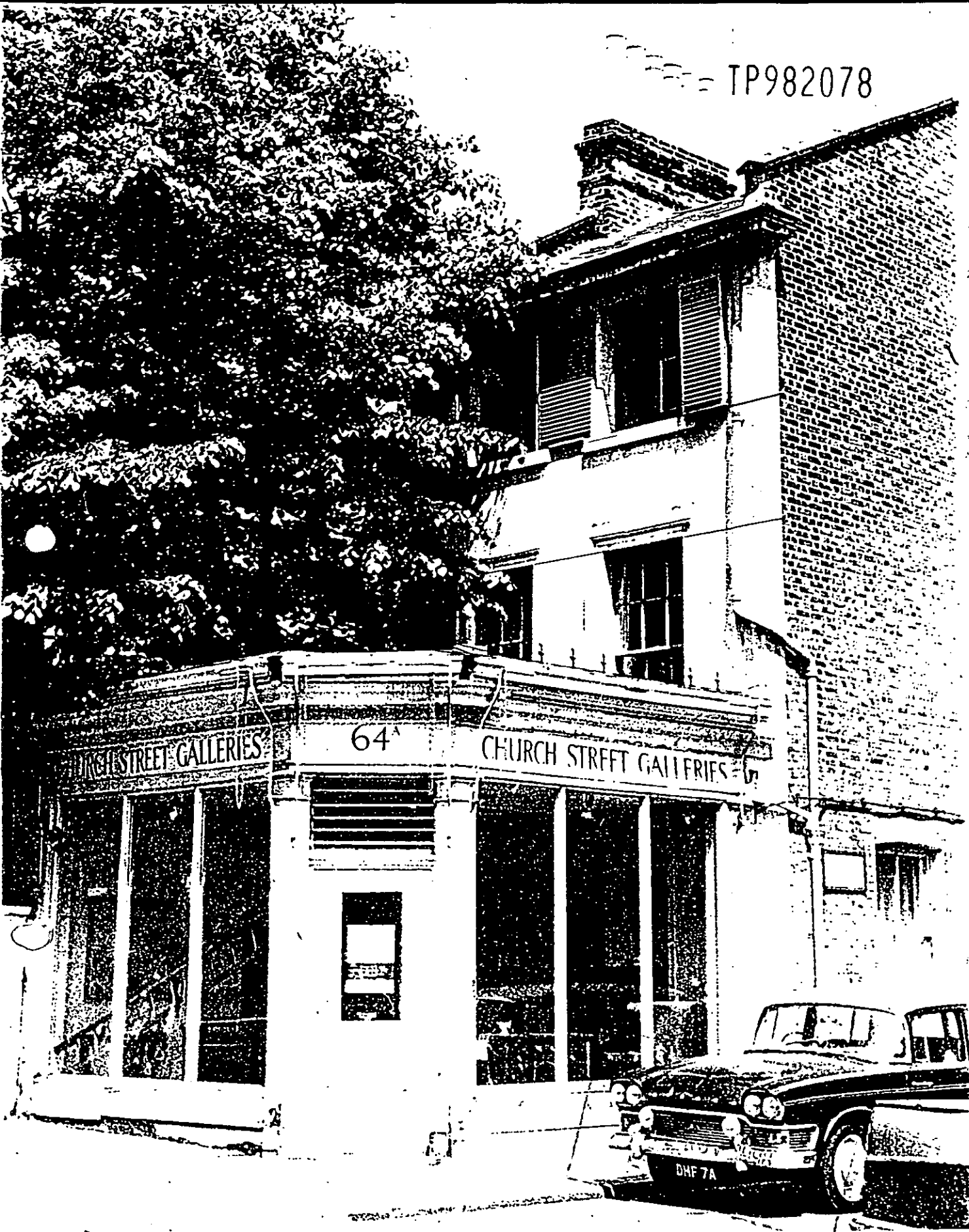
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 Planning and Landscape Consultants

Colwyn Bay
 01492 532735

London
 0171 938 2464



TP982078



1964

PART TWO TOWN AND COUNTRY PLANNING ACT 1990 CERTIFICATE UNDER SECTION 66

IP982078

PLEASE READ THE NOTES OVERLEAF BEFORE FILLING IN PART TWO.

CERTIFICATE B

I hereby certify that:

† See note (a) to Certificate

- 1. I have/the applicant has* given the requisite notice to all persons, who 20 days before the date of accompanying application, were owners of any part of the land to which the application relates, viz:

Name of Owner ROYAL BOROUGH OF KENSINGTON & CHELSEA Address TOWN HALL, HORNTON ST.
 Date of Service of Notice 28 10 98

- *2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
- *3. I have/the applicant has* given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

Date of Service of Notice

Signed [Signature] on behalf of A. HARRINGTON Date 29 10 98

* Strike out whichever is inapplicable

CERTIFICATE C

I hereby certify that:

† See note (a) to Certificate

- 1. (i) I am/the applicant is* unable to issue a certificate in accordance with either paragraph (a) or paragraph (b) of Section 66 (1) of the Act, in respect of the accompanying application dated
- (ii) I have/the applicant has* given the requisite notice to the following persons who, 20 days before the date of the application, were owners of any part of the land, to which the application relates, viz:

Name of Owner Address

..... Date of Service of Notice

- (iii) I have/the applicant has* taken the steps listed below, being steps reasonably open to me/him* to ascertain the names and addresses of the other owners of the land or part thereof and have/has* been able to do so:

(a)

- *2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
- *3. I have/the applicant has* been given the requisite notice to every person other than myself/himself* who, 20 days before the date of the application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

Date of Service of Notice

Signed on behalf of Date

(a) Insert description of steps taken.
 (b) Insert name of local newspaper circulating in the locality in which the land is situated.
 (c) Insert date of publication (which must not be earlier than 20 days before the application).

* Strike out whichever is inapplicable

CERTIFICATE D

I hereby certify that:

† See note (a) to Certificate

- 1. (i) I am/the applicant is* unable to issue a certificate in accordance with Section 66 (1) (a) of the Act in respect of the accompanying application dated and have/has* taken the steps listed below, being steps reasonably open to me/him*, to ascertain the names and addresses of all the persons who, 20 days before the date of the application were owners of any part of the land to which the application relates and have/has* been unable to do so:

(a)

- (iii) Notice of application as set out below has been published in the (b) on (c) (Copy of notice as published).

- *2. None of the land to which the application relates constitutes or forms part of an agricultural holding; or
- *3. I have/the applicant has* given the requisite notice to every person other than myself/himself* who, 20 days before the date of application, was a tenant of any agricultural holding any part of which was comprised in the land to which the application relates, viz:

Name and Address of Tenant

Date of Service of Notice

Signed on behalf of Date

(a) Insert description of steps taken.
 (b) Insert name of local newspaper circulating in the locality in which the land is situated.
 (c) Insert date of publication (which must not be earlier than 20 days before the application).

* Strike out whichever is inapplicable

Additional information required in respect of Applications for INDUSTRIAL, OFFICE, WAREHOUSING, STORAGE or SHOPS

(Attention is drawn to 'General Notes for Applicants')

TP982078

Application No.
(For Official Use Only)

(Those questions relevant to the proposed development to be answered)

1. In the case of industrial development, give a description of the processes to be carried on and of the end products, and the type of plant or machinery to be installed.	N/A																																		
2. If the proposal forms a stage of a larger scheme for which planning permission is not at present sought, please give what information you can about the ultimate development. <i>(See Note overleaf)</i>	N/A																																		
3. Is the proposal related to an existing use in Greater London? If so, please explain the relationship.	State Yes or No <input type="checkbox"/> NO																																		
4. Is this a proposal to replace existing premises in this area or elsewhere which have become obsolete, inadequate or otherwise unsatisfactory? If so, please give details including gross floor area of such premises and state your intentions in respect of those premises.	State Yes or No <input type="checkbox"/> NO																																		
5. (a) What is the total floor space of all buildings to which the application relates? (b) What is the amount of industrial floor space included in the above figure? (c) What is the amount of office floor space? (d) What is the amount of floor space for retail trading? (e) What is the amount of floor space for storage? (f) What is the amount of floor space for warehousing?	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">Existing (if any)</th> <th colspan="2" style="text-align: left;">Proposed new floor space</th> </tr> <tr> <th colspan="4" style="text-align: center;"><i>(See General Notes)</i></th> </tr> </thead> <tbody> <tr> <td style="width:5%;">(a)</td> <td style="width:15%;">125</td> <td style="width:15%;">m²/sq. ft.</td> <td style="width:15%;">(171.3-125) =46.3</td> </tr> <tr> <td>(b)</td> <td>NIL</td> <td>m²/sq. ft.</td> <td>NIL</td> </tr> <tr> <td>(c)</td> <td>NIL</td> <td>m²/sq. ft.</td> <td>NIL</td> </tr> <tr> <td>(d)</td> <td>62</td> <td>m²/sq. ft.</td> <td>108.3</td> </tr> <tr> <td>(e)</td> <td>NIL</td> <td>m²/sq. ft.</td> <td>NIL</td> </tr> <tr> <td>(f)</td> <td>NIL</td> <td>m²/sq. ft.</td> <td>NIL</td> </tr> </tbody> </table>	Existing (if any)		Proposed new floor space		<i>(See General Notes)</i>				(a)	125	m ² /sq. ft.	(171.3-125) =46.3	(b)	NIL	m ² /sq. ft.	NIL	(c)	NIL	m ² /sq. ft.	NIL	(d)	62	m ² /sq. ft.	108.3	(e)	NIL	m ² /sq. ft.	NIL	(f)	NIL	m ² /sq. ft.	NIL		
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6. (i) How many (a) office (b) industrial and (c) other staff will be employed on the site as a result of the development proposed? (ii) If you have existing premises on the site, how many of the employees will be new staff? (iii) If you propose to transfer staff from other premises, please give details of the numbers involved and of the premises affected.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th rowspan="2"></th> <th colspan="2" style="text-align: center;">(a) Office</th> <th colspan="2" style="text-align: center;">(b) Industrial</th> <th colspan="2" style="text-align: center;">(c) Other staff</th> </tr> <tr> <th style="text-align: center;">M</th> <th style="text-align: center;">F</th> <th style="text-align: center;">M</th> <th style="text-align: center;">F</th> <th style="text-align: center;">M</th> <th style="text-align: center;">F</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">(i)</td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: center;">1-2</td> <td style="text-align: center;">2</td> </tr> <tr> <td style="text-align: center;">(ii)</td> <td colspan="2" style="text-align: center;">N/A</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">(iii)</td> <td colspan="2" style="text-align: center;">N/A</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>		(a) Office		(b) Industrial		(c) Other staff		M	F	M	F	M	F	(i)					1-2	2	(ii)	N/A						(iii)	N/A					
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7. In the case of industrial or office development is the application accompanied by an industrial development certificate or office development permit? If 'NO' state why a certificate is not required.	State Yes or No <input type="checkbox"/> NO																																		
8. What provisions have been made for the parking, loading and unloading of vehicles within the curtilage of the site? (Please show the location of such provision on the plans and distinguish between parking for operational needs and other purposes)	OFFSTREET.																																		
9. Is the estimated vehicular traffic flow to the site on a normal working day? (Please include all vehicles those used by individual employees driving to work)	1 OR 2 DELIVERIES EACH WEEK.																																		

