

FILE TP/H



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Ms Sarah Wilden
Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
London
W8 7NX

6th December 2007

SW

Dear Ms Wilden,

78 Fulham Road

I write further to my colleague Ben Lines' recent telephone conversation with you concerning proposals for the above.

As you know your authority has recently granted planning permission for the change of use of part of the property to residential. Due to an oversight our Projects department had not realised that a letter dated 5th April 2007 from Nick Booth to my colleague Silvia Lazzerini, confirmed that such a proposal fell within a change of use permitted under Part 3, Class F of the Town and Country Planning (General Permitted Development) Order 1995.

Accordingly I would be grateful if you would confirm that the proposed works and use can proceed without the need for the express planning permission (and therefore its conditions) to be implemented.

For information, I enclose a copy of the original letter dated 20th February 2007 together with drawings as well as the letter dated 5th April 2007 in reply.

I look forward to hearing from you.

With kind regards

Yours sincerely

Wendy Norman
Partner
Planning and Regeneration
CLUTTONS LLP

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PLANNING AND CONSERVATION

11 APR 2007

THE TOWN HALL HORNTON STREET LONDON W8 7NX

**THE ROYAL
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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**KENSINGTON
AND CHELSEA**

FAO Silvia Lazzerini

5th April 2007

My reference: DPS/Fulham Road/NB Your reference: - Please ask for: Nick Booth

Dear Ms Lazzerini,

**Town and Country Planning (General Permitted Development) Order 1995
Re: 48 and 78 Fulham Road, London**

I refer to your letter dated 20th February 2007 and submission of drawings 17953/E/01, P/01, 17441/E/01, P/01 and photographic survey received in this office on the 21st February 2007 relating to the proposed conversion of storage space above shop units to residential accommodation and associated external alterations. First may I take this opportunity to apologise for the delay in issuing a response and I would like to thank you for your patience during this time. The details submitted have been examined and I would comment as follows:

It is considered that the conversion of the first and second floors of the above properties as described to single residential units in the form of self-contained maisonettes would fall within a changes of use permitted under Part 3, Class F of The Town and Country Planning (General Permitted Development) Order 1995 Class and as such would not constitute development as defined within Part 3, Section 55 of the Town and Country Planning Act 1990, and would not therefore require planning permission in this instance.

With regard to the proposed alterations to No.48 Fulham Road, I am however of the opinion that the relocation of the access door to the rear elevation, whilst minor, would constitute development as defined within Part 3, Section 55 of the Town and Country Planning Act 1990 and as such would require planning permission in this instance

I trust this is of assistance although it should be stressed that the comments made are based merely upon the opinions of an Officer of the Planning Department. Should you have any queries concerning this or any other matter relating to the site however, please feel free to contact Nick Booth on 0207 7361 2699.

Yours sincerely,

M J French
Executive Director, Planning and Conservation



INVESTOR IN PEOPLE



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F.A.O.: Nick Booth
Royal Borough of Kensington and Chelsea
Planning & Conservation
Town Hall
Hornton Street
LONDON W8 7NX

20th February 2007

Dear Nick

**48 and 78 Fulham Road, London SW3 6HH
Change of Use from ancillary storage and offices (Use Class A1) to residential (Use Class C3)**

Further to our telephone conversation yesterday, I am writing to seek written advice of your Planning and Legal Departments on the application of Part 3, Class F of the General Permitted Development Order (1995 and further Amendments) in relation to these two properties.

Under Part 3, Class F, the Order reads:

Permitted development

F. Development consisting of a change of the use of a building -

- (a) to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A1 of that Schedule;
- (b) to a mixed use for any purpose within Class A2 (financial and professional services) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A2 of that Schedule;
- (c) where that building has a display window at ground floor level, to a mixed use for any purpose within Class A1 (shops) of the Schedule to the Use Classes Order and as a single flat, from a use for any purpose within Class A2 (financial and professional services) of that Schedule.

Conditions

F.1 Development permitted by Class F is subject to the following conditions—



(a) some or all of the parts of the building used for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to the Use Classes Order shall be situated on a floor below the part of the building used as a single flat;

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor shall not be used in whole or in part as the single flat;

(c) the single flat shall not be used otherwise than as a dwelling (whether or not as a sole or main residence) -

(i) by a single person or by people living together as a family, or

(ii) by not more than six residents living together as a single household (including a household where care is provided for residents).

The Order does not define 'single flat', but it is obvious from Condition F.1 (c) that the definition applies to a dwelling under Class Use C3. What is also not specified by the Order is whether the proposed flat should necessarily be located on one floor only, so I take that for the purposes of the Order a two-level maisonette would be considered as a 'single flat'.

To assist your assessment, I will briefly describe the proposal, and I have attached existing and proposed plans and some photos for your information.

48 and 78 Fulham Road

These properties are 3-storey unlisted townhouses along Fulham Road, currently occupied by A1 units (Night Owls at No. 78 and Papyrus at No. 48) on the ground and basement floors. On the upper floors, the buildings are currently used for storage and offices ancillary to the A1 use, but have become redundant and both shops have voluntarily surrendered this space, while expressing the wish to operate from the ground and basement levels only.

While the first and second floors of the buildings would be converted into a single maisonette, the A1 use would continue trading on the ground and basement floors.

There is strong demand in this area for retail units that would only occupy the ground floor and basement floors, and we have evidence that the loss of ancillary space on the upper floors would not harm the trade and operation of the shops below.

The change of use does not necessitate of any external alterations, with exception of a substandard door on the side of No. 48 needing to be relocated onto the rear façade to provide a suitable access to the residential above (please see attached drawings). The new door would match in style and size the other rear doors existing in the terrace. As I understand, this is a minor change and one that would normally not require planning permission in a Conservation Area.



As you will appreciate, it would be a significant advantage for the Client not having to apply for unnecessary permissions, both in terms of fees and timing for the commencement of the works. Furthermore, applications that are not required would also unnecessarily increase the planning burden for the Council.

It is disappointing that, in spite of our previous pre-application query in relation to these properties, the possibility of proceeding with the work without the need to apply for planning permission has not been pointed out to us. In this light, and considering the delay that this consultation will entail on the submission of an application (if necessary) I would be grateful to receive a hasty response.

Many thanks in anticipation of your reply.

Yours faithfully,

Silvia Lazzerini
Associate
Planning and Regeneration
Cluttons LLP

Enc.



Access from Fulham Road to No. 78 and the Mews



No. 78 Fulham Road - rear



No. 78 Fulham Road - rear



No. 48 Fulham Road - front



No. 48 Fulham Road - rear



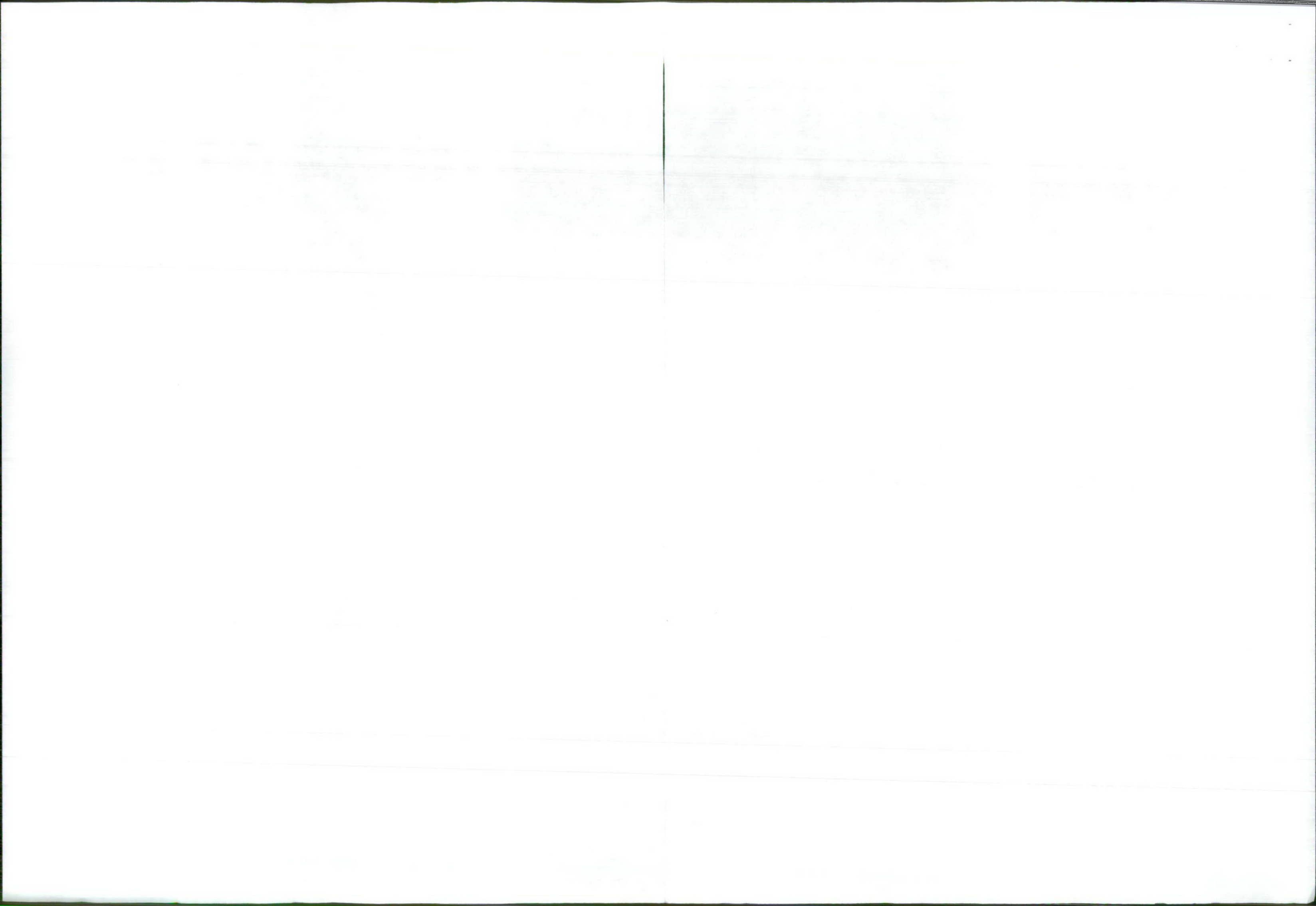
No. 48 Fulham Road - rear access to be relocated from the side to the rear facade



No. 78 - rear access to remain

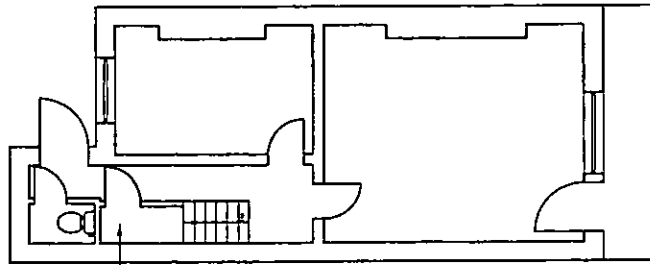


No. 78 Fulham Road - front

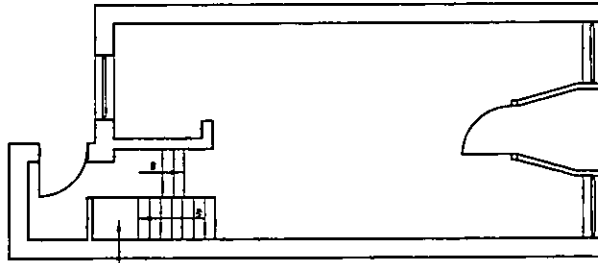


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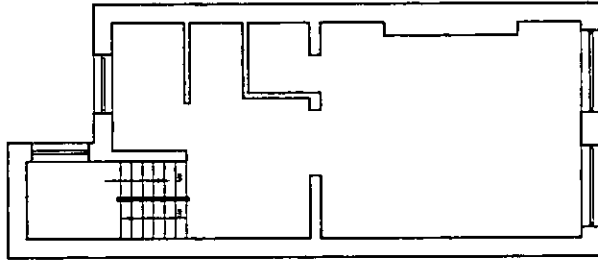
All dimensions to be checked on site prior to commencement of any work, and to be confirmed with the appropriate authority. The work to be carried out shall be in accordance with the specification and relevant standards. Do not scale the drawings.



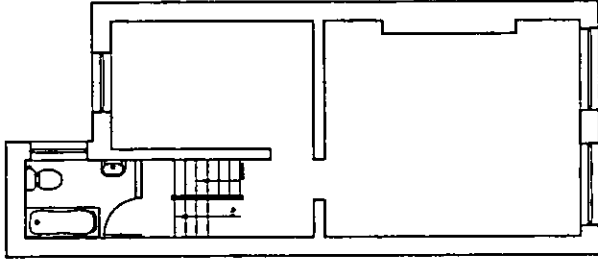
Basement Floor



Ground Floor



First Floor



Second Floor

Project	78 Fulham Road London
Client	Client Here
Drawn by	Existing Floor Plans
Scale	bf
Date	Sept 06 1/100
Drawn by	17441/E/01



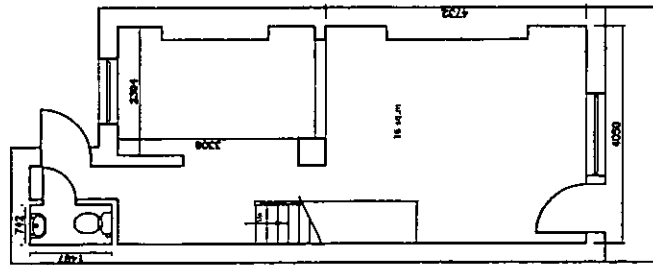
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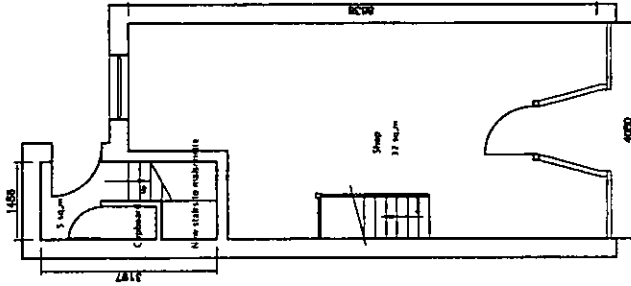
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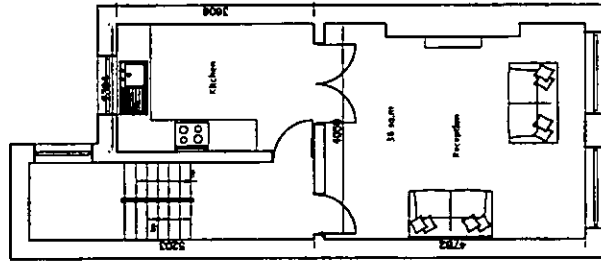
All dimensions to be checked on site prior to commencement of work, and any discrepancies to be reported to the contractor immediately. The contractor shall be responsible for the interpretation and execution of the drawings. The contractor shall be responsible for the interpretation and execution of the drawings. The contractor shall be responsible for the interpretation and execution of the drawings.



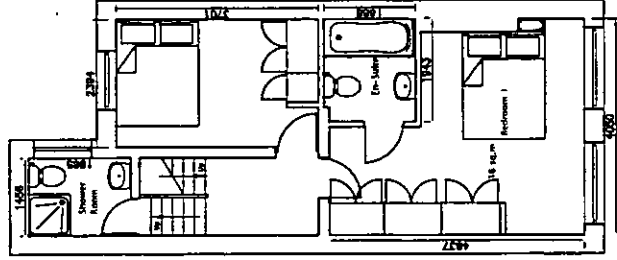
Basement Floor



Ground Floor



First Floor



Second Floor

1.0	1.0	1.0	1.0
1.0	1.0	1.0	1.0
1.0	1.0	1.0	1.0
1.0	1.0	1.0	1.0

78 Fulham Road
London
The Wellcome Trust Ltd.

Proposed Floor Plans
Sept 06 1/100
17441/P/01



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