

2. HOW AND WHEN THE COMMITTEE MEETS

- 2.1 Meetings of the Committee take place three times in every committee cycle. They are held at Kensington Town Hall, Hornton Street, London W8 7NX and start at 6.30 p.m. The public may attend the meetings to hear the discussion but they may only address the Committee in the specific circumstances mentioned later in this procedure note.

3. CONSIDERATION OF APPLICATIONS AT THE MEETING

- 3.1 The number of applications before the Committee varies from meeting to meeting, but the Committee generally deal with a large number of cases. The first cases considered are usually those where objectors/applicants have requested and obtained permission from the Chairman to address the Committee.
- 3.2 Before the meeting starts, people in the public gallery will have been asked if there are specific cases that they have come to hear. These cases will normally be dealt with after the applications on which there are speakers. The remainder of the business will be considered in the order set out on the agenda.
- 3.3 Members of the Committee will have received their reports on each application about 4 days prior to the meeting and so will have had a good opportunity to consider details of the proposals. It may be the case, therefore, that applications are not extensively debated at the meeting, though this does not mean that they have not been the subject of careful consideration by the Members.

4. PROCEDURE FOR THE COMMITTEE TO HEAR REPRESENTATIONS

- 4.1 Subject to the rules in paragraph 5, the Planning Services Committee will hear oral representations in respect of planning applications which are on the agenda for its meeting. The names of those persons wishing to speak at the Committee must be agreed by, and given to, the Secretary to the Executive Director (Tel: 0171-361 2943) at least 24 hours before the meeting. Except at the Chairman's discretion, late objectors will not normally be allowed to address the Committee.

5. RULES

- 5.1 It is stressed that representations to the Committee are objector-led. If objectors are attending to make representations in respect of an application, a similar facility will be granted to the applicant. If there are no objectors attending to make representations on an application, the applicant will not be allowed to speak.
- 5.2 The Committee will not hear representations where the officer's recommendation is for refusal of planning permission.
- 5.3 Objectors must put the points they wish to raise at the Committee meeting in writing, to reach the Executive Director by noon at the latest on the working day preceding the meeting, in order that these written representations can be circulated to Committee Members. It is stressed that the Committee will only hear oral representations on

points which the Chairman feels cannot be adequately conveyed in writing.

- 5.4 Where a number of objectors attend the meeting on a particular application, one of the objectors only should be nominated to speak on behalf of all the objectors concerned. However if there are two distinct and separate areas of objection, two objectors may be allowed to address the Committee at the discretion of the Chairman of the meeting.
- 5.5 Objectors must be acting in their own right and on their own behalf (or on behalf of an amenity group society or organisation) and should not normally be professionally represented. Objections must relate to aspects of the development which will be of specific detriment to them. Objectors will be expected to have discussed their objections with the Area Planning Officer or Executive Director before the meeting to see if action can be taken before the Committee consider the application.
- 5.6 The rules set out in 5.4 and 5.5 above will also apply to applicants (i.e. no more than three persons shall appear with one acting as spokesman and legal representation should not normally be appropriate).
- 5.7 After the relevant Council officer has outline the development, speakers will be called to make their representations before the Committee discuss the application concerned.
- 5.8 Objectors will be allowed a maximum of 5 minutes to address the Committee. At the conclusion of their address, Members of the Committee may ask questions of the objectors.
- 5.9 The applicant will then be accorded an automatic right to address the Committee for a maximum of 5 minutes. Members of the Committee may then ask questions of the applicant.
- 5.10 Ward Councillors may address the Committee on an application at the discretion of the Chairman in accordance with Standing Order 67(a) and will be allowed a maximum of 5 minutes to address the Committee. As a general rule, where representations have been made by objectors/applicants on a particular application Ward Councillors will be asked to speak last.
- 5.11 The Committee will not hear representations from the floor unless prior agreement has been given.
- 5.12 If documents, photographs, etc., are to be circulated at the meeting, 10 copies should be brought and, in addition, a copy should be handed to the party representing the 'other side' at the meeting. It is recommended that any material to be circulated should ideally have been seen by the Council officers prior to the meeting. Any supporting documentation should be kept to a minimum as it is difficult for Members to consider papers which they have not received in advance.
- 5.13 There will be no opportunity for objectors or applicants to cross-examine one another, nor to question members of the Committee or Council officers. They will not be permitted to join in the deliberations of the Committee on the application.
- 5.14 If an applicant/objector feels that the officer's report to the Committee on an

application contains factual errors, or that plans are thought to be inaccurate, these points must be dealt with in writing prior to the meeting. They will not be the subject of oral representation at the meeting.

- 5.15 If an application is referred to the Planning & Conservation Committee for determination, or is deferred to a future meeting of the Planning Services Committee, objectors/applicants/Ward Councillors will (as a general rule) only be allowed to address the Committee at the first meeting at which the application is considered. Any further comments should be put in writing. A summary note of their oral representations will subsequently be available to the meeting at which the application will be reconsidered.
- 5.16 This procedure applies to a maximum of six applications at each meeting. It must be noted that
 - An application will not be deferred because it was not possible for the objector to be included in the permitted number of representations.
 - Objectors/applicants/Ward Councillors will not be allowed to speak after applications have been dealt with by the Committee.
- 5.17 The Chairman of the Committee will have absolute discretion in the interpretation of these rules.

6. GENERAL NOTE

- 6.1 Objectors and applicants who have made arrangements to make oral representations will be given a time to attend before the Committee and, although speakers are requested to be in the Committee Room at the appointed hour, it is stressed that the time given to arrive is only a guide. Depending upon the business before the Committee, unavoidable delays may occur and the order of business may also be varied. However, no application on which prior agreement to address the Committee has been given will be considered before the agreed time.

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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

Mrs. M. Brougham,
34 Launceston Place,
London,
W8.

Switchboard: 0171-937 5464

Extension: 2085

Direct Line: 0171-361 2085

Facsimile: 0171-361 3463

03 March 2000

My reference: DPS/DCC/PP/99/2480/BB

Your reference:

Please ask for: Anne Salmon

Dear Madam,

Town and Country Planning Act 1990
33 Launceston Place, Kensington, W8

I refer to your letter dated 28th February 2000 concerning a recent application for extensions to the above property.

I would confirm that planning permission and listed building consent were granted for the erection of a glazed extension and a solid extension at garden level together with internal alterations, by the Planning Services Committee on 23rd February 2000. I would advise that conditions were imposed requiring more detailed elevations and sections of the extensions and that the conservatory should be of a traditional design and constructed in timber.

I would advise that information concerning making representations regarding planning applications can be obtained from the Planning Information Office. It is normal practice to notify objectors of the decision taken by the Committee on applications to which they have objected. If you wish to be advised of the conditions imposed if the application is granted, or reasons for refusal if the application is refused, you should contact the case officer.

With regard to notification, in addition to notifying neighbouring properties of applications which may affect them, a site notice is required to be displayed for all cases in Conservation Areas or which affect listed buildings. These should be displayed for a period of three weeks.

With regard to No. 33 Launceston Place, following the decision of the Committee, the applicants would be able to implement their planning permission and listed building consent once they have agreed the details required by the conditions in writing with this department.

If you have any further comments concerning the recent application, please contact my assistant, Miss Salmon.

Yours faithfully,

M.J. French
Executive Director of Planning and Conservation

R

f L. Parker

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



Mrs. M. O. Brougham,
34 Launceston Place,
LONDON W.8.

Switchboard: 0171-937 5464
Extension: 2944
Direct Line: 0171-361-2944
Facsimile: 0171-361-3463

**KENSINGTON
AND CHELSEA**

06 March 2000

My reference: EDPC/MJF/PP/ 99/2480 Your reference: Please ask for: Mr. French

Dear Mrs. Brougham,

33 Launceston Place, W.8.

Thank you for sending me a copy of your husband's recent letter addressed to Councillor David Campion. It is helpful to be included in this correspondence.

Yours sincerely,

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

of EOPC / MJF / 99 / 2480

34, Laureate Pl.
W.S.

2 March '00

(60)

Dear Mr. French

33, Laureate Place

I appreciate your writing to me on 29 February. I am sending you a copy of my husband's recent letter to the Chairman of PSC which may have been referred to you.

Yours sincerely

M.O. Brigham

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: DavidCampion

2.Mar.2000 9:08

: Mr C Brougham QC re 33 Launceston Place

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DavidCampion@cs.com

French

I wrote to Mrs Brougham myself to respond to her letter to me and I have now had a lengthy additional letter from Mr Brougham which does not indicate that any one else has a copy of it. I will let you have copies of both.

He refers to other communications and I would like to be advised what matters he has referred to you or Mr Taylor so that I can take these into account in my reply to him.

Mr Brougham has raised a number of queries about the report to committee and I want to be sure that I respond to him on each one.

It would be helpful if you could fax me a copy of the "Guide to the Proceedings of the Planning Services Committee" since I need to refresh my memory on this and perhaps to review its contents in the light of the passing of time.

Cllr David Campion
Chairman, Planning Services Committee
02/03/2000

~~Phillipa~~

~~Could I see the correspondence
this year~~

~~ML~~

- 1 MAR 2000

Christopher Brougham Q.C.
34 Launceston Place
London W8 5RN

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Handwritten signature

Councillor David Campion
13 Rodney House
12/13 Pembridge Crescent
London W11 3DY

29 February 2000

Your Ref: D:\My Documents\Word\rbkc\Planning\Public\MOB01.doc

Dear Councillor Campion,

Re: 33 Launceston Place

Thank you for your informative letter addressed to my wife, which we received this morning. In case you are in any doubt, I have no criticism about the way in which you chaired the Planning Services Committee while I was addressing it last Wednesday. As Deputy, and subsequently Acting, Head of my chambers (one of the leading commercial sets), I was Chairman of our Management Committee for over ten years; and I was Churchwarden at Christ Church, Victoria Road for fifteen. I know the various problems Committee Chairmen have to cope with. Furthermore, sixteen years as a Deputy Bankruptcy Registrar have given me considerable experience of heavy workloads (perhaps sixty cases in a morning), and in dealing with the unrepresented litigant, which I was last Wednesday. I am, of course, unhappy about the final decision, but, in view of the procedures followed in relation to the application, I cannot be surprised by it.

On 6 January our Town Planning Consultant, Mr Bruce Bond ARICS, MRTPI, wrote a detailed letter of objection on our behalf (my wife already having written another), in which he referred to UDP Policies, and asserted that the proposed development contravened CD25, 26, 41(i), 48, 52, 53 and 56, and referred to PPG1 (para 40: "... applications which are not in accordance with relevant policies in the plan should not

be allowed unless material considerations justify granting a planning permission ... "). Mr Bond also referred to CD 30 and 41(h), because at that time the applicants proposed to construct a terrace and staircase with overhanging platform close to, and overlooking, our property - a matter of very great concern to us. The response to this letter was in exactly the same terms as at least two other letters we have subsequently received from the Planning and Conservation Department:

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

These words clearly indicated to us that our letters, and particularly those of Mr Bond, would be copied to, and read by, members of the Committee.

On about 10 January, we were told by our neighbour at 32 Launceston Place that the Case Officer (a Ms Salmon) had that day attended at 33 Launceston Place, and, in speaking to our neighbour, had told her that, since there was only one objector (ourselves), the application "would not go to committee" but would be determined summarily. We were very worried by this news. We had understood from the standard response letter that the Committee would decide the application - we could not believe that the objections raised by ourselves and by our expert were considered not worth the Committee's attention. We lost confidence in the Case Officer and became distrustful of the Borough's system of dealing with planning applications. On 12 January we wrote a further letter of objection - to which we again received the standard response. My wife, however, telephoned Councillor Moylan (we have never previously asked for help from a Councillor) who arranged for the application to be heard by the Committee.

By 7 February, we had been told that the application would be heard on 23 February at 6.30 and that I would be allowed to speak for five minutes. Surprisingly, we were not sent a copy of the *Guide to the Proceedings of the Planning Services Committee*, a very helpful document which we did not know existed until after the meeting had taken place. Had it been sent to me before the meeting, I would have known, first (as

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is implicit in para 3.3), that, contrary to the impression given by the standard response letter, members of the Committee do *not* see letters from objectors but rely entirely upon the summary of objections contained in the Report by the Executive Director; secondly, I would have been aware of the important contents of para 5.3 - namely, that I should put my points in writing to reach the Executive Director by noon on 22 February, and that I was restricted to addressing points which could not be adequately conveyed in writing; thirdly, I would have known, when preparing my address, that I had a *maximum* of 5 minutes (para 5.8). I would also have read the significant para 5.5, to which I return at the conclusion of this letter. In the event, I was ignorant of all these matters.

When we received the Report, it was immediately apparent to both myself and Mr Bond that it simply did not address certain important points raised in objection; in particular, the perceived contraventions of CD26, 48 and 56. Nor did it refer to the fact that three of the letters of objection were from an expert. We are left wondering whether anybody other than the Case Officer ever read the letters of objection. There were other shortcomings in the Report, which I will not trouble you with. I was, however, taken aback to read in para 4.3 that the "proposed glazed extension would be ... of a plain modern design"; and at para 4.7 that "the extensions ... would not harm ... the special architectural character or historic interest of the listed building".

On 21 February I received a telephone call from a Secretary, who asked me what points I was intending to raise, and whether I could summarise them in writing for the Committee. I was, of course, ignorant of para 5.3 of the Guide. I replied that I was not raising any points beyond those contained in three letters from Mr Bond (6 and 19 January and 4 February) and a letter from ourselves (12 January) - all of which I thought had been read by the members of the Committee. I asked how long I would be allowed to speak for and was told that the "guideline" was five minutes. The following morning we received a letter from the Planning and Conservation Department asking for a summary of the points we were going to raise. We thought this surprising in view of my conversation with the Secretary. Nonetheless my wife delivered one the following morning, which I had prepared overnight even though I was in the middle of

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a very important case in the Court of Appeal and hard-pressed

When I came to address the Committee, I was ignorant of para 5.5 of the Guide. I thought the members would be familiar with the contents of Mr Bond's three letters. I was, therefore, not expecting you to ask me, as you did, why I thought the development should not proceed. I assumed you knew I wanted to tell the Committee why we were raising objections based on contraventions of the Control of Development policies, to complain about the way in which the application had proceeded, and to point out the shortcomings in the Report in dealing with the objections. I thought that by sticking closely to the script I had prepared (circulated to members - luckily I had ten copies) I could do all this in five minutes plus. I apologize if I went on too long. On the subject of Mr Cunningham, I will merely say that I was surprised that a member of such an important committee, meeting in public, should be so rude, and should play to the gallery, in the way that he did. You may have been impatient with me, but you were not rude and you did not engage in theatrical antics.

At the end of this process I am left with a feeling of frustration, which your letter has redressed considerably. First, I believe a number of misunderstandings could have been avoided had someone at the Town Hall taken the trouble, as soon as we indicated our wish to address the Committee, to send us a copy of the Guide. Secondly, I feel that justice has not been done to the objections raised on our behalf by our expert. The Report does not address them properly. The members of the Committee had not read them. We have no idea whether they have all been taken into account, or at what level in the Planning and Conservation Department they were considered. If they have been taken into account, no reasons have been given for discounting them. Having now read para 5.5 of the Guide as well as the Report, I am left believing that the system has no place for the objector who cares passionately enough about a proposed development that he or she is prepared to spend hundreds of pounds employing an expert to state objections in the language of the policies in the Borough's Unitary Development Plan. Para 5.5 states that objectors should not normally be professionally represented before the Committee and their objections must relate to matters which will be of specific detriment to them - this appears to rule out

(bb)

oral objections other than those based on loss of light or privacy. In the penultimate paragraph of your letter you say that the Committee has to bear in mind the likely result of a planning appeal and the possibility of an adverse order for costs if it refuses an application on inadequate planning grounds, and that it is required to approve applications unless there are good planning reasons for not doing so. In the light of this statement, what is an objector to do, if, on expert advice, he puts forward what he believes to be "good planning reasons" for not approving an application, and those reasons are neither read by the Committee nor mentioned in the Report, and the objector is precluded from raising them orally by para 5.5 of the Guide?

I have sent a copy of this letter to the Town Clerk and to the Directorate of Corporate Services, since it covers a number of points that we are currently discussing with that Department.

Yours sincerely,

Christopher Brougham QC

PLANNING AND CONSERVATION

TOWN HALL HORNTON STREET LONDON W8 7NX

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THE ROYAL
BOROUGH OF

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

Mrs. M. O. Brougham,
34 Launceston Place,
LONDON W.8.

Switchboard: 0171-937 5464
Extension: 2944
Direct Line: 0171-361-2944
Facsimile: 0171-361-3463



KENSINGTON
AND CHELSEA

29 February 2000

My reference: EDPC/MJF/99/
2480

Your reference:

Please ask for: Mr. French

Dear Mrs. Brougham,

33 Launceston Place, W.8.

I write with reference to your letter of 28 February regarding the recent attendance by your husband at the meeting of the Planning Services Committee on 23 February.

I am sorry that there appears to have been some misunderstanding regarding the procedures which are followed at the Planning Services Committee when objectors attend and speak. I am aware, however, that my secretary, when speaking to your husband, did inform him of the procedures which would be followed at the meeting and in direct response to a question raised by him about how long he had to speak, she advised him that five minutes was the guideline.

I am not aware of any previous problems with regard to people addressing the Committee, but we have looked again at our procedures and will make minor amendments to the notification letter to speakers.

Finally, I can inform you that adjoining owners are notified of all planning applications, but we do not have the resources to notify all such consultees of when an application will be considered by Committee; should an objector ask for such information, this of course is provided. The arrangements for Committees are set out in the Council's Standing Orders and the decision letter following the Committee meeting is normally despatched within 24 hours of the date of the meeting.

Yours sincerely,

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

c.c. Councillor David Campion,
Chairman - Planning and Conservation Committee.

Mr. D. Collinge,
Committee Services Administrator.

attention of
College

34, Laurence Place
Horsley, W.8.

28 Feb '2000

is to Mr. French, Miss Selman
at Down, Laurence Campus

Dear Girs,

Yours ref. EPPC/MTF/PP

34, Laurence Place

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Thank you for looking up, and sending a copy of the document entitled "Guide to the Proceedings of the Planning Services Committee". It contains everything in existence of which we were unaware. It is comprehensive and essential for objectors. It was known for some time by the Executive Director of the Planning and Conservation Department, and the Case Officers, we were to address the Committee, plus the secretary ^(7 February) to the Committee and yet no-one offered us a copy.

How do people less sophisticated than we are deal with the Tam Hall?

Can you supply all information, or references members, and price of such materials, for future reference or I can come to the Tam Hall, inspect and make a selection e.g. how do we notify you of our immediate interest in the outcome of the Committee decision, the date of ratification, when is the ratification effective for the applicants to go - who

We are appalled. Everything is seen in a different light, a week after the Committee date. We had been considering applying for a judicial review.

Yours truly
M. A. B.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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**THE ROYAL
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**KENSINGTON
AND CHELSEA**

Mr. C. Brougham QC,
34 Launceston Place,
LONDON W.8.

Switchboard: 0171-937 5464

Extension: 2944

Direct Line: 0171-361 2944

Facsimile: 0171-361 3463

21 February 2000

My reference: **EDPC/MJF/PP/** Your reference:
99/2480

Please ask for: **Mr. French**

Dear Mr. Brougham,

33 Launceston Place, W.8.

I am writing to inform you that arrangements have been made for you to attend and address the Planning Services Committee on 23 February 2000 at the Town Hall in Committee Room 1 at 6.30 p.m. on the above planning application. I would be grateful if you could send me a brief statement of the points you wish to raise.

The agent for the planning application has also been invited to attend and address the Committee. In order to avoid deferrals caused by either or both invited parties not attending, I am hereby advising you that should either party fail to attend or provide adequate reasons for non-attendance, the Committee will proceed to determine the application. You may of course bring photographs etc. if you consider that they help to illustrate your case more clearly. Upon arrival, you are advised to make yourself known to the Committee Administrator seated within the Committee meeting room.

In the event of only the objector appearing, he/she will be given an opportunity to state his/her objections and answer any questions asked by Members relating to the proposals. With regard to the applicant/agent, he/she will be allowed to make a short summary address of the proposals and be prepared to answer any questions raised by Members of the Committee.

Should you have any queries regarding either the arrangements made or this letter, I would be grateful if you would contact my secretary in the first instance.

Yours sincerely,

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

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

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Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Mr. & Mrs. Christopher Brougham,
34 Launceston Place,
Kensington,
LONDON, W8 5RN.

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

10 February 2000

My reference: EDPC/MJF/PP/
99/2480

Your reference:

Please ask for: Miss Salmon

Dear Mr. & Mrs. Brougham,

33 Launceston Place, W.8.

I refer to your letters concerning the current planning application for the erection of rear extensions together with internal alterations at the above property.

I would confirm that the terrace which was proposed on top of the lower ground floor rear extension has been deleted from the scheme. A condition will be recommended that this flat roof shall not be used as a terrace. I would advise that the proposed glazed conservatory/glass roof over the side passage and internal alterations are considered to be acceptable and would not harm the special architectural character of the listed building.

I would advise that the application is expected to be considered by the Planning Services Committee on 23 February and Mr. Bond has been advised of this by the case officer, Miss Salmon. I would confirm that you have been renotified of the revised drawings.

If you have any further queries concerning the proposal, please do not hesitate to contact me or the case officer, Miss Salmon.

Yours sincerely,

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

c.c. Mr. R. A. Taylor,
Chief Executive and Town Clerk.

PLANNING AND CONSERVATION

TOWN HALL HORNTON STREET LONDON W8 7NX

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**THE ROYAL
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**KENSINGTON
AND CHELSEA**

Mr. & Mrs. Christopher Brougham,
34 Launceston Place,
Kensington,
LONDON, W8 5RN.

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Facsimile: 0171-361-3463

09 February 2000

My reference: EDPC/MJF/PP/ 99/2480 Your reference:

Please ask for: Mr. French

Dear Mr. & Mrs. Brougham,

33 Launceston Place, W.8.

Thank you for your letter of 7 February relating to the consideration of the above planning application at the next meeting of the Planning Services Committee on 23 February. I have asked my secretary to send you a copy of the report when it becomes available and then if you wish to address the Committee, I would be grateful if you could contact her on 0171 361 2944 in order that the Chairman can be consulted on your possible attendance.

With regard to your letter of 12 January, I have asked the case officer to respond on the matters which you have raised within the next few days. I am sure you are, however, aware that the Human Rights Bill does not become operative until October of this year.

Yours sincerely,

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

c.c. Mr. R. A. Taylor,
Chief Executive and Town Clerk.

Christopher Brougham Q.C.
Mary Brougham LLB, Solicitor
34, Launceston Place
Kensington, London
W8 5RN
Tel: 0171-936-1608

7 February 2000

Phillipa Downe, Secretary to the Councillors' Committee
The Royal Borough of Kensington and Chelsea
The Town Hall
Hampton Street
London W8 7HX

(72)

Dear Madam

Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
33, Launceston Place, Kensington, London W8 5RN
Ref. No. DPS/DCC/PP/99/02480/LAS

Having considered the latest plans lodged by the applicants on 24 January, in consultation with our Town Planning Consultant, Mr. Bruce Bond A.R.I.C.S., M.R.T.P.L., my husband Mr. Christopher Brougham, Queens Counsel, confirms the appointment to address the Council for five minutes on 23 February at 6:30 p.m.

We live at Number 34, next door to number 33.

Yours faithfully,

M. O. Brougham.

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MEMORANDUM

Date: 4th February 2000
To: A. Taylor, Chief Executive and Town Clerk
CC: M. J. French, Executive Director, Planning & Conservation
From: D. M. Taylor, Area Planning Officer (Central Team)
RE: 33 Launceston Place

I refer to your memorandum of 19th January 2000, and to the letter from Mr and Mrs Brougham to you of 18th January, concerning the current applications for the above property.

The planning Case Officer shares the concern of the objectors regarding the rear extension, and the applicants have been advised that the proposals should be amended, and the rear terrace deleted, if they are to expect a favourable recommendation to the Planning Services Committee.

Revised plans are expected imminently. When received, notice of the revisions will be sent to all objectors and they will have the opportunity to provide further comments.

If the revisions are considered satisfactory, then the application will be presented to the Committee for their consideration, probably their meeting of 23rd February or 7th March. I will ensure that Mr and Mrs Brougham are notified as soon as the Committee date is finalised and I will advise as to how they can make representations in person to the Committee if they wish to do so.

Derek Taylor, Area Planning Officer

The Royal Borough of Kensington and Chelsea
MEMORANDUM
Chief Executive's Department - Committee Services Section

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To: Executive Director, From: Joanne Hargreaves
Planning and (Committee Services)
Conservation

My Ref: CEC/JH

Room No. 253

Ext: 3254

Date: 19th January 2000

Correspondence regarding Planning Application in respect of 33
Launceston Place, W8

I attach a copy of a letter (and attachments) to the Chief Executive and Town Clerk. Mr Taylor has indicated that a response should be sent out under his signature. I would be grateful, therefore, if you could let me have your comments on the points raised by Mr and Mrs Brougham as soon as possible, in order that a response can be prepared for CE&TC's signature.


Joanne Hargreaves
Senior Committee Administrator

19 JAN 2000

Christopher Brougham Q.
Mary Brougham LLB, Solicitor
34 Launceston Place
Kensington
London W8 5RN
Tel: 0171-938-1608

18 January 2000

(75)

Mr Alan Taylor
Town Clerk and Chief Executive
The Royal Borough of Kensington and Chelsea
The Town Hall
Hornton Street
London W8 7NX

Dear Sir,

Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990
33 Launceston Place, Kensington, London W8 5RN

Ref. No. DPS/DCC/PP/99/02480/LAS

We enclose herewith copies of correspondence between ourselves and the Planning and Conservation Department concerning the above application. We have been unable to obtain any satisfactory response to our enclosed letter, which raises points touching upon the legality of the procedure being adopted in this case. All we have received is a reply, in the standard form sent to all objectors, stating that our letter will be placed before the Council's Planning Services Committee, with no indication that we can expect any reply addressing the points raised. At the same time, our Town Planning consultant, who is in communication with the Department, informs us that the application is not going to be heard by the Committee.

In these circumstances we ask that you tell us whether or not there is to be a Committee hearing, and, if so, its date and time. We also ask for a proper response to our letter of 12 January.

Yours faithfully,

Christopher Brougham

M. O. Brougham

plachobj → AU

Christopher Brayham Q.C.
Mary Brayham LLB Solicitor
34, Launceston Place
Kensington, W8 5RN
Tel: 0171 938 1608

8 January 2000

The Royal Borough of Kensington and Chelsea
Planning and Conservation
The Town Hall
Hampton Street
London, W8 7HX

RECEIVED BY PLANNING SERVICES						
18 JAN 2000						

76

49

Dear Sir/Madam

Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas)
Act 1990
33, Launceston Place, Kensington W8 5RN
Ref. No DPS/DCC/PP/99/02480/LAS

We have received your letter of 13 January, in reply to ours of 13 January (copy enclosed). We do not consider your letter to be an adequate response. It is clearly a reply in standard form and addresses none of the matters raised by us.

We are particularly concerned by your failure to address the second and third points raised by us. Your letter does not state the date of the meeting to consider the application. We repeat our request to be given reasonable notice of the date and time of the meeting.

As regards our third point, we need to know whether or not the Council intends to re-advertise the Planning Application in a proper form, as we

Handwritten initials and numbers: 'b' and '9.00' with scribbles.

considering an application to the High Court for
an order compelling re-advertisement, and the
consequential extension of time for objections.

We have, today, received revised plans. They
allay none of our fears about the invasion of
our privacy. The terrace remains, only the stair case
has gone. (77)

A new point occurs to us, that of the ownership
and responsibility of the sewers and water supply
which will be interfered with, unless the safety
of the engineering works is monitored. (We already
have another set of surveyors, acting on our
behalf, under the Party Wall Act 1996) Please check
on your ownership and communicate with Thames
Water and take this matter into account.

Finally, your letter does not respond to our
invitation contained in the last paragraph of our
letter to visit our home. We look forward to your
immediate full response.

We will be making investigations as to how
scrupulously the Council examined the applications in
respect of the considerable extensions and alterations to
numbers 26 and 28 Lauriston Place. Copies of
correspondence to date between ourselves have been
forwarded to the Town Clerk.

Yours sincerely,

M. O. Brygham.

① Ah ② ALS.
13/1

Christopher Brougham Q.C.

Mary Brougham LLB, Solicitor

34 Launceston Place

Kensington

London W8 5RN

Tel: 0171-938-1608

78

12 January 2000

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

Dear Sir/Madam,

Town and Country Planning Act 1990

Planning (Listed Buildings and Conservation Areas) Act 1990

33 Launceston Place, Kensington, London W8 5RN

Ref. No. DPS/DCC/PP/99/02480/LAS

We have extreme objections to the proposals to extend irrevocably 33 Launceston Place at the lower ground floor level to the rear and in the direction of our house, which proposals incorporate an overhead terrace and a protruding staircase overlooking our property.

Mr Bruce Bond A.R.C.I.S., M.R.T.P.L., our Town Planning Consultant, is dealing with specific Listed Building and Planning issues on our behalf. We, however, are better qualified than our Consultant to make general legal points.

First, the proposals will seriously interfere with our privacy. We do not feel that anyone, apart from ourselves, cares about our privacy or feels entitled to object on this ground. The only neighbours likely to object on the "privacy" grounds are our

neighbours at No. 32, whose own privacy may be infringed by the proposed overhead terrace. The number of objectors must be irrelevant. Where Listed Building consent is concerned, any proposed breach of the principles, whether pointed out by one or by a thousand objectors, remains a proposed breach of the principles. It is surely the Council's duty, as delegated to it by English Heritage, to prevent such proposed breaches, even if *no* letter of objection is received. Can it seriously be suggested that if, for example, all the residents of Launceston Place agreed that they would not object to each other sticking satellite dishes on the front of their houses, or erecting saunas in their front gardens, that the Council, in the absence of objections, would consent to proposals to erect such satellite dishes or saunas? Are the wishes of the current residents in the Conservation Area, many of whom are here only for a short time, relevant?

Secondly, the Council is, we assume, under a duty, as a matter of Human Rights, to give us reasonable notice of the date of the Committee meeting at which the planning application will be considered, so that we can make ourselves available and/or instruct representatives, whether legal or our Consultant, to attend.

Thirdly, we believe that the yellow planning notice affixed to the front railings of No. 33 has misled our neighbours and other members of the public. It reads: "Refurbishment of existing house extension at basement rear". It is not at all clear from this notice that the applicants intend to build a *new* extension. To make the proposals clear, the notice should have stated that the applicants intended (1) to refurbish the existing house and (2) build an extension. This misleadingness may well be one of the reasons why there have been so few objections to the proposals. We strongly contend that the application should be re-advertised in proper form, and that time for objections should be extended accordingly.

Fourthly, what particularly upsets us is that we have been instinctive conservationists of *this* house and garden. We have had the privilege of living here for twenty years. We do not regard the houses in this street as National Trust properties, but as family homes. However, we feel our house is on loan to us; we would regard it as a breach of trust to interfere with the archaic structure of the house and garden. For example.

80

we have left our relatively large front and side gardens open to public view, which has had the effect of making these gardens unusable by ourselves and particularly our children, who would be so vulnerable to passers-by. If the privacy of our back garden is curtailed by the applicants' proposals, we shall have to reconsider our policy in order to create a private garden for ourselves. Consequently we shall have to follow the examples of 14 Victoria Grove, Albert ^{Lodge} ~~Place~~ (in Victoria Grove) and Nos. 22 and 23 Launceston Place and board up our front and side gardens.

Finally, we hope that you will come to our house with English Heritage and Councillors as soon as possible to see how conservation and privacy are intertwined.

Yours faithfully,

Christopher Bringham

M. O. Bringham

PELICAN PROJECTS.
 34 RYECROFT ROAD
 LONDON
 SW16 3EQ
 0181 670 1668.

① PC

② ALS
 VG 2/13.

81

PP/99/2008

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO
28		20 MAR 2000		note weather details too			
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEES	

mark &
 would you be
 happy with
 this cons
 design
 provided
 section ok?
 A.S.

Dear Sirs.

RE:- PP/99/02480/CHSE/49/2016
 LB/99/02481/CLBA/05/2017.
 33 LAUNCESTON PLACE W.8.

Please find enclosed enclosed SK01 and SK02 drawings showing details of new internal doors and architraves, to match existing door and architraves.

The proposed extension will use all materials to match the existing fabric of the building, SK02 shows french door details.

Under schedule 4(c) I can confirm that the internal window at basement level will not be included within refurbishment works and the owner of the house wish to retain the wall in its existing form.

If you wish to have any further details, please contact Peter Harris on 0171 937 8661.

Yours faithfully,



PETER HARRIS.

DEPARTMENT OF BUILDING CONTROL

Building Act 1984
Building Regulations 1991 (as amended)
Building (Local Authority Charges) Regulations 1998

13

0171
DCC

THE ROYAL
BOROUGH OF

BUILDING NOTICE

To: The Royal Borough of Kensington & Chelsea
Department of Building Control
The Town Hall
Hornton Street
London W8 7NX
Tel No 0171-361 3838 Fax No 0171-361 3820

DISTRICT
SURVEYOR
28 MAR 2000
KENSINGTON

82



KENSINGTON
AND CHELSEA

PLEASE READ NOTES OVERLEAF BEFORE COMPLETING FORM

1. Statement

I/We hereby give notice in accordance with Regulation 11 (1) (a) regarding the work described below, together with the prescribed charge (see notes 4 & 5).

Signed [Signature] Name P.W. HARRIS Date 27 03 00
Address 33 LAUNCESTON PLACE Postcode W8 Tel 0207 937 8661

2. The Building

Address of building or site 33 LAUNCESTON PLACE LONDON Postcode W8
Number of storeys (including basement) 4
Existing use RESIDENTIAL Proposed use RESIDENTIAL

3. The Work

Description of proposed work 'CONSERVATORY' EXTENSION AT LOWER GROUND FLOOR LEVEL
Date of commencement of work (if known) 30 03 00

4. Owners Details

Name MR & MRS J. SPICER
Address 33 LAUNCESTON PLACE Postcode W8 Tel 0207 937 8661

5. Builders Details (if known)

Name P.W. HARRIS
Address 33 LAUNCESTON PLACE LONDON Postcode W8 Tel 0958 616 617

6. Charge (see notes 5 & 6)

a) Domestic extension, detached garage etc. Total floor area 21 sq m Charge £ 352.50
b) Loft conversion Total floor area — sq m Charge £ —
c) New small domestic buildings Charge £ —
d) Other work Estimated total cost £ 5000. Charge £ 44 + VAT = 5

For official use only
Application Number
BN/00/00446

SE/Q



£404.20 to pay

FS 36795

DT
84

PLANNING AND CONSERVATION

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**

Mrs. Mary Brougham,
34 Launceston Place,
LONDON, W8 5RN.

Switchboard: 020 7937 5464
Extension: 2944
Direct Line: 020 7361-2944
Facsimile: 020 7361 3463

06 April 2000

My reference: EDPC/MJF/PP/
99/2480

Your reference:

Please ask for: Mr. French

Dear Mrs. Brougham,

33 Launceston Place, W.8.

Thank you for your letter of 5 April regarding the development recently approved at the above site. I will discuss your concerns with Councillor David Campion, but I am aware that he sent you a detailed response at the end of February relating to this matter.

In my letter to you of 29 February, I advised you that minor amendments to the procedures would be made following your concerns. As a result of discussions with the Chief Executive and Town Clerk, we have made arrangements for a copy of the Guide to Proceedings to be sent to all parties who have received agreement from the Chairman to address the Planning Services Committee. I will discuss your continuing concerns with Councillor Campion and whether or not any further response is required.

Finally, I have noted that you are proceeding to the High Court for a Judicial Review, and I have therefore passed my papers through to the Council's Legal Services Department.

Yours sincerely,

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

c.c. Councillor David Campion,
Chairman - Planning and Conservation Committee.

Chief Executive and Town Clerk

Ms. L. Parker, Principal Planning Solicitor

PELICAN PROJECTS

Building Project Management

34 Rycroft Road
Streatham Common
London SW16 3EQ

Tel/Fax: 020 8670 1668
Mobile: 07958 616 617

85
28/6

11th APRIL 2000.

R.B.K. & C.
TOWN PLANNING
12 APR 2000
RECEIVED

Mark Price.

R.B.K.C

Fax 020 7961 3463

Dear Mr Price.

RE :- FRENCH DOORS AT 33 LANKESTON PLACE.

Please find enclosed three variations on a theme, taking into account your suggestion of two doors, which as agreed looks much better proportioned!

The style of the windows is taken from an existing window in the rear elevation at Number 34 LANKESTON PLACE.

When we last spoke we discussed an arched detail to match the sash windows above. The drawings supplied to you were incorrect, the sash's are square and only have a brick arch detail.

Please call me to discuss.

Many Thanks

Peter Harris.

33 LANKESTON PLACE
WIMBORN W8.

SK03.

86



PETER HARRIS
0207 937 8661.

33 LAUNCESTON PLACE

Sk01

LONDON W8

87



PETER HARRIS

020 7937 8661

+442086701668

PAGE.03

33 LAUNCESTON PLACE
LONDON
W8.

88



PETER HARRIS

020 7937 8661.

LEGAL SERVICES

TOWN HALL, HORNTON STREET, LONDON W8 7NX

89

DIRECTOR OF LEGAL SERVICES A.G.PHILLIPS LLB, SOLICITOR

Councillor David Champion
13, Rodney House
12/13 Pembridge Crescent
London W11 3DY

TELEPHONE 0207-361-2180
FACSIMILE 0207-361-3843
DX 84015 Kensington High Street 2
INTERNET tc11sp@rbkc.gov.uk

13 April, 2000

My reference:
LP

Your reference:

Please ask for:
LeVerne Parker

Dear Councillor Champion,

33 LAUNCESTON PLACE

I refer to your e-mail message to Mr Phillips of 10th April. I have discussed this matter with Mr Alan Taylor and agreed a course of action with him.

As Mr and Mrs Brougham have indicated that they intend to apply for judicial review, if they do indeed take this matter further, it should proceed on this basis rather than the Council treating it as a form of complaint. At this stage, therefore, I would advise that there should be no further correspondence with Mr and Mrs Brougham on the matter, outside of any legal proceedings, as this could only give them more scope for challenge. I have therefore written to Mr and Mrs Brougham in connection with the potential application for judicial review and enclose a copy of my letter.

Yours sincerely,

LeVerne Parker
for Director of Legal Services

RECEIVED BY PLANNING SERVICES									
13	15	16	17	18	19	20	21	22	23
14 APR 2000									
117									
PLN	CON	DES	FEE						

c.c. ~~Executive Director, Planning and Conservation~~ - Mr French
Director of Legal Services - Mr Phillips

LEGAL SERVICES

THE TOWN HALL, HORNTON STREET, LONDON W8 7NX

90

DIRECTOR OF LEGAL SERVICES

A.G.PHILLIPS LLB, SOLICITOR

Mrs Mary Brougham
34 Launceston Place
London W8 5RN

TELEPHONE 0207-361-2180
FACSIMILE 0207-361-3843
DX 84015 Kensington High Street 2
INTERNET tcllsp@rbkc.gov.uk

13 April, 2000

My reference:

LP

Your reference:

Please ask for:

LeVerne Parker

Dear Mrs Brougham,

33 LAUNCESTON PLACE, W.8

A copy of your letter dated 5th April 2000 has been passed to me by Mr French.

If you do make an application for permission to apply for judicial review, I should be grateful if, as a matter of courtesy, you could let me have a copy of your application bundle as soon as the application is made.

Yours sincerely,

LeVerne Parker
for Director of Legal Services

PEUCAN PROJECTS.
34 RYECROFT ROAD
LONDON
SW16 3EQ

① PC
② ACS
91

28.04.00

ANNE SALMON
RBR SC

Mark
is this elevⁿ
+ section OK?

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	SW	SE	ENE	NO ACK	
- 2 MAY 2000							106
APPEALS	IO	REC	ARB	FWD PLN	CON DES	FEEES	

Dear Mrs Salmon.

RE: 33 LAUNCESTON PLACE, LONDON W8.

Please find enclosed copies of the rear elevation and section through the proposed conservatory extension.

Should you require any further information please contact me either on 020 7937 8661 or 0958 616 617.

Yours Sincerely

PETER HARRIS.

25/5/00



RBKC
District Plan Observations
CONSERVATION AND DESIGN

Address 33 Lancaster Place, W8.	Appl. No. 99/2480/ALS	L.B. II	C.A. 9C	N C S ✓
Description Conservatory Extension to rear.	Code P.			

Approval of conditions

92

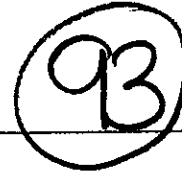
The proposed design is now acceptable.
Timber framed + in keeping with the building.
Request it is painted to match existing windows.
French doors also now acceptable + in keeping
with the building.

WP 2/5/00

replied
3/5/00

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

Peter Harris,
Pelican Projects,
34 Ryecroft Road,
London SW16 3EQ

Switchboard: 020 7937 5464
Direct Line: 020 7361 2085
Facsimile: 020 7361 3463



KENSINGTON
AND CHELSEA

03 May 2000

My reference: DPS/DCC/
PP/99/2480

Your reference:

Please ask for: Anne Salmon

Dear Sir,

Town and Country Planning Act 1990
33 Launceston Place, Kensington SW7

I refer to your letter dated 28 April 2000 concerning the above property.

I would advise that the detail of the conservatory both in elevation and in section is considered to be acceptable. I would advise that the conservatory should be constructed in timber and painted white to match the existing windows. I would advise that these details satisfy the requirements of condition 5 on planning permission reference PP/99/2480.

I would remind you that details are still required to be submitted of the construction, materials, plans and elevations of the solid rear extension, together with details of the french doors.

In addition, details are required of any new architraves and the internal window at basement level.

If you have any further queries concerning the proposal, please contact my assistant Miss Salmon.

Yours faithfully,

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

Yur of EDPG/MJF

RECEIVED BY PLANNING SERVICES					
APR 1999	2480	SE	END	57	ACK
- 9 MAY 2000					
IO	REC	ARB	FWD PLAN	CON DEP	FEES

M. J. No. C. J. Brougham
 Laurence Place
 SR 18
 6 May '00

Dear Mr. French

33, Laurence Place

94

14
TW

We are not proceeding with an application to the High Court for a judicial review of the Planning Services Committee's decision, as the ultimate outcome is uncertain. There may have been perfectly suitable objections raised by an expert but the Committee were never told what they were, or for the Committee to give perfectly suitable answers to them. It would have been beneficial, if one of you, could have dealt with the substantive points in a letter, addressed to Mr. Champion, with copies to others, dated 29 February.

Instead, we have spent several thousand pounds protecting the exterior of our building with a scaffolding structure clad in delnis netting and solid PVC sheeting.

We are also contacting our local ward councillor, Mr. Molyar, to advise whether a new condition could be attached to the Permissions to stagger the developments, like aircraft landing at Heathrow, have slots to do so, to avoid chaos by attempting to land

at the same time. The Council does not appear to monitor the current level of building works ^{requiring consents}. Not only, is extensive demolition, excavation, and building ongoing at 14° 33, Hawthorn Place, but also at N° 32, Hawthorn Place and N° 8, Victoria Grove.

We are also contacting a local M.P. to see if the legislation can be extended to make it compulsory for building owners to protect adjoining properties and inhabitants by imposing Building Regulations to this effect, e.g. instead of us shielding ourselves with delusory etc, the responsibility should be on the new building owners, and the cost thereof.

We have also notified the legal Services department, of our intentions.

Yours sincerely,

M. O. Bingham.

Yairief LP

M. Mrs. C.J. Brougham
34 Laurenceston Place, W. S.
6 May 2000

96

Dear Sirs,

33, Laurenceston Place

We have decided not to proceed with an application to the High Court for judicial review, as the ultimate outcome is uncertain. Instead we have spent several thousands of pounds protecting our house and our privacy with a scaffolded structure and screens.

We are also taking the matter further regarding conditions, in general, attached to a Planning Services Committee consent with two local councillors, and ~~issues~~ ^{legislation} concerning building regulations with our M.P.

Yours faithfully,

RECEIVED BY PLANNING SERVICES								
EX	HDC	N	C	SV	SE	ENF	AO	ACK
DR								
59 10 MAY 2000								
ISSUES	IO	REC	ARB	FWD	CON	FEES		
				PLN	DES			

M. O. Brougham, LLB Solicitor
p.p. C. J. Brougham QC



PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

97

**THE ROYAL
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**KENSINGTON
AND CHELSEA**

Peter Harris,
Pelican Projects,
34 Ryecroft Road,
London, SW16 3EQ

Switchboard: 020 7937 4564
Extension: 2085
Direct Line: 020 7361 2085
Facsimile: 020 7361 3463

11 May 2000

My reference: **DPS/DCC/
PP/99/2480**

Your reference:

Please ask for: **Anne Salmon**

Dear Sir

Town and Country Planning Act 1990
33 Launceston Place, Kensington, SW7

I refer to your letter dated 9th May 2000 concerning the above property.

I would confirm that the details of the internal doors and architraves, the elevation and section of the conservatory, plan and elevation of the solid extension and the detail of the French doors, are considered to be acceptable.

These satisfy the requirements of Conditions 3 and 5 on planning permission reference PP/99/2480 and Conditions 4 and 5 on Listed Building Consent reference PP/99/2481.

If you have any further queries concerning the proposal, please contact my assistant, Miss Salmon.

Yours faithfully

M. J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

R

2481

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

98

**THE ROYAL
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



**KENSINGTON
AND CHELSEA**

Mrs. M. O. Brougham,
34 Launceston Place,
LONDON W8 5RN.

Switchboard: 020 7937 5464
Extension: 2944
Direct Line: 020 7361-2944
Facsimile: 020 7361 3463

16 May 2000

My reference: EDPC/MJF/PP/
99/2980 Your reference:

Please ask for: Mr. French

Dear Mrs. Brougham,

33 Launceston Place, W.8.

Thank you for your letter of 6 May regarding the approved development at the above property. I have noted your comments regarding not proceeding with a judicial review and have advised both my Chairman and the Director of Legal Services of this fact.

I can inform you that under current planning legislation, there is no legal provision for the Council to stagger the carrying out of development. As you know, each planning permission is valid for a period of five years and providing a developer makes a material start on site, he can complete the development over any length of time if he so chooses; the only check on this would be by the service of a completion notice.

With regard to the monitoring of building starts, the District Surveyor does of course receive building notices where he is responsible for the building work; however, whilst he has this information, he has no control over when the development starts.

Finally, where building work affects the party wall, then party wall notices must be served and a party wall award agreed. Such an award could cover protection of the adjoining property, hours and method of working. There is no statutory protection which can be applied for the sort of protection which you are seeking, but no doubt there are common law rights and remedies against noise nuisance and damage.

Yours sincerely,

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

- c.c. Councillor David Campion - Chairman, Planning and Conservation Committee
- Councillor Daniel Moylan,
- Mr. R. A. Taylor, Chief Executive and Town Clerk
- Mr. A. Phillips, Director of Legal Services

99

Note to MJF re letter dated 6.5.00 from Mr Brougham of 34 Launceston Place

- We do not actually **monitor** building starts in an area although all commencement notices and building notices received for controllable work are, of course, entered in Acolaid.
- We could analyse this data (the degree of difficulty and effort depending on what was wanted) by area and, as you know, just searching on a street in Acolaid produces a list of all jobs in that street.
- However there is no point as we have no control over when developments start - if every house in a street wants to do work at the same time we cannot stop them!
- He seems to be asking you to stagger planning permissions so that there is not too much work in a street at any one time - I am fairly sure you have no powers to do that either.
- There is nothing whatsoever in the Building Act or Building Regulations to cover protection of adjoining properties in the manner he wishes.
- If the properties are joined by a party wall and the building work affects the party wall then party wall notices must be served and a party wall award agreed. Such an award could cover protection of the adjoining property, hours and method of working etc.
- Environmental Health have certain powers to deal with noise and nuisance from building works.
- Common law rights and redress against noise, nuisance and damage obviously apply as well

W
15/5

100

PELICAN PROJECTS

34 Ryecroft Road
London SW16 3EQ

020 8670 1668 / 07958 616 617

Planning & Conservation Department
Royal Borough of Kensington & Chelsea
Town Hall
Hornton Street
London W8 7NX

9 May 2000

*revised
11/5/00*

Dear Sirs

Re: PP/99/02480/CHSE/49/2016

Further to our various telephone conversations and submission of drawings incorporating your recommendations. I write as suggested.

1. It is the owner's intention for works to commence and be finished within 5 years from the date of the Consent (02.03.00).
2. All work and making good will be finished to match the existing original work in respect of material, colour, texture and profile and in the case of brickwork, facebond and pointing.
3. Particulars are enclosed for:
 - a. the construction, materials, plans and elevations of the proposed solid rear extension - SK01 and SK02,
 - b. the new French doors - SK02, timber frame and doors and glazing bars to match existing in profile.
4. The lead roof of the solid rear extension will not be used as a terrace at any time.
5. Elevations of the timber framed conservatory are included - SK02.

I trust that this is all the information you require for an unconditional Consent.

Yours faithfully

Peter Harris 

Encls

cc: James Spicer
Ina De

revised 6/6/00

① PC
② AUS
✓ J 1/6
C
(101)

PELICAN PROJECTS

34 Rycroft Road
London SW16 3EQ

020 8670 1668 / 07958 616 617

1 June 2000

Miss Salmon
Planning and Conservation
The Royal Borough of Kensington & Chelsea
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: DPS/DCC/PP/99/2480

Anne

Please send letter
saying that must
be keep slim (22mm).
You may need to copy
to B. Control.

MP 5/6/00

Dear Miss Salmon

Re: 33 Launceston Place, Kensington W8

We have started works in respect of the above consent, however have a dispute over the finishes with Building Control. The planning consent clearly states that the glazing bars on the conservatory extension should match the existing. If we were to do works as recommended by Building Control, the glazing bars would increase from the original of c.22mm to 35mm which would look extremely unsightly, as I think you will agree.

Please would you confirm that the terms of the planning consent were to match the existing glazing bars and therefore a 35mm glazing bar would be in contravention of the consent.

Yours sincerely

Peter W Harris
Pelican Projects

Mark

I presume you agree
that glazing bars
should be kept as
slim as poss.

AUS

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

102

**THE ROYAL
BOROUGH OF**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS



Peter Harris,
Pelican Projects,
34 Ryecroft Road,
London SW16 3EQ

Switchboard: 020 7937 5464
Extension: 2085
Direct Line: 020 7361 2085
Facsimile: 020 7361 3463

**KENSINGTON
AND CHELSEA**

06 June 2000

My reference: **DPS/DCC/
PP/99/2480**

Your reference:

Please ask for: **Anne Salmon**

Dear Sir,

Town and Country Planning Act 1990
33 Launceston Place, Kensington

I refer to your letter dated 1 June 2000 concerning the above property.

I would confirm that No. 33 Launceston Place is a Listed Building and is within the De Vere Conservation Area.

I would advise that the glazing bars to the proposed conservatory should match these on the original windows. Therefore, these glazing bars should be kept at 22mm and not increased to 35mm as recommended by Building Control.

If you have any further queries concerning the proposal, please contact my assistant, Miss. Salmon.

Yours faithfully,

M.J. FRENCH
EXECUTIVE DIRECTOR, PLANNING AND CONSERVATION

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£2.50
C/N 200519

Mrs. C. J. Brougham
34, Lancaster Place
London, W8 5RN
18 Sept 2000

Dear Mr. French

33, Lancaster Place

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To verify one of the explanations given to us by our neighbours' agent, for the outstanding delay in the completion of the re-development of the above property, last Wednesday, I telephoned your department direct and spoke to Miss Selmon, the Case Officer. I asked for the name of the architects who had submitted the revised plans for your approval in accordance with the Conditional consents, number 5, and even if I was not entitled to know. She told me that there had been a change of architect in charge. I was amazed as there has been no architect, or qualified surveyor, since the Committee hearing in February. I checked with her again and she categorically asserted that was a change, and his name was "die-stamped etc" all over the plans.

I just did not believe her, so when I inspected the revised plans at your department on Wednesday afternoon, I was not surprised there was no sign of an architect but a set of plans certainly not drawn by an architect but by a firm called Pelican Projects.

We lost confidence in Miss Selmon a long time ago, as you must be aware from the

● correspondence, shortly after she indicated that there was to be no Committee hearing of the application, notwithstanding our letter of objection supported by our Terrain Planning Consultant, Mr. Bruce Bond, A.R.I.C.S., M.R.P.L., we presume to avoid the bother of making a report.

It is very sad that someone of your calibre could not have dealt with the case, or, at least, supervised Miss Selman properly. A reply is still awaited to our letter dated 29th February addressed to Councillor Campion with copies to yourself and others.

I was disquieted to discover other documentation in your department's file which has decided us to revive an application for judicial review. Having seen the implicit embargo of silence put on you by the legal services department, I do not expect to receive a reply from you. A copy of this letter is being sent to that department. As your department's file will form part of our