
Mnemonic Not Found **PLANNING AND CONSERVATION**

**THE ROYAL
BOROUGH OF**

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

41



**KENSINGTON
AND CHELSEA**

Department of the Environment,
Transport and the Regions,
Room 1003, Tollgate House
Houlton Street
Bristol BS2 9DJ

Switchboard: 020-7937-5464

Direct Line: 020-7361-2057

Extension: 2057

Facsimilie: 020-7361-3463

Date: 21 June 2000

My Ref: DPS/DCC/PP/99/02518/DT

DETR's Reference: App/K5600/A/00/1044495

Please ask for: Mrs. P. Abdelrahman

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 2, 4, 6 Abingdon Road, London, W8 6AF

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.

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

WCEC Architects,
New Barn Stables,
New Barn Lane,
Henfield, West Sussex,
BN5 9SJ

Switchboard: 020-7937-5464
Direct Line: 020-7361-2057
Extension: 2057
Facsimile: 020-7361-3463



**KENSINGTON
AND CHELSEA**

Date: 21 June 2000

My Ref: DPS/DCC/PP/99/02518/DT

DETR's Reference: App/K5600/A/00/1044495

Please ask for: D. Taylor

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 2, 4, 6 Abingdon Road, London, W8 6AF

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.

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

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- a. Is the development in Schedule 1 or column one of Schedule 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999? If so, please indicate which Schedule.
- b. Is the development within a 'sensitive area' as defined by regulation 2 of the Town & Country Planning (Environmental Impact Assessment)(England & Wales) Regulations 1999?
- c. Has a screening opinion been placed on Part 1 of the planning register? If yes, please attach a copy.
- d. Any comments or directions received from the Secretary of State, other Government Departments or statutory agencies / undertakers whether or not as a result of consultations under the GDPO;
- e. Any representations received as a result of an Article 7 (or Regulation 6) notice;
- f. Copy of any notice published under Article 8 and/ Buildings and Conservation Areas) Act 1990 and/or Regulation 5; or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and/or Regulation 5;
- g. Any representations received as a result of a notice published under Article 8 and/or Section 73 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (or Regulation 5);
- h. Details of any other applications or matters currently before the Council relating to the same site;
- i. In the case of appeals against non-determination, details of considerations likely to have been relevant to the Council's decision;
- j. A list of any conditions or limitations the Council would favour if the appeal were to be allowed;
- k. Any other relevant information or correspondence the Council consider the Inspectorate should be aware of.

YES/NO	Sch 1	Sch 2 col 1
YES/NO		
YES/NO		
Number of Documents Enclosed	N/A	
		✓
		✓
✓		
		✓
		✓
		✓

- to follow
- to follow

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.
- b. On what date did you give those notified at 16a for the submission of their representations?
- c. Copies of the following documents must, if appropriate, be enclosed with this questionnaire.

YES/NO
19-7-00

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

Number of documents enclosed	N/A	
		✓
	✓	
	✓	
✓		

17. Relevant plans and policies - 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.

UDP - chap. 4

18. Do the documents listed above comprise the Council's full statement of case?

YES/NO
NO

Council's reference: PP/99/2518 / DT.

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

Signature: JOHN on behalf of ROYAL BOROUGH OF KENSINGTON & CHELSEA Council

Date of despatch: 21/6/00

NB: PLEASE TELL US OF ANY CHANGES TO THE INFORMATION YOU HAVE GIVEN ON THIS FORM.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

45

**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

FILE COPY

Direct Line: 020-7361-2057

Extension: 2057

Facsimilie:

Switchboard: 020-7937-5464

020-7361-3463

Date: 21 June 2000

My Ref: DPS/DCC/PP/99/02518

DETR's Reference: App/K5600/A/00/1044495

Please ask for: Mr.D. Taylor

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Notice of a Planning Appeal relating to: 2, 4, 6 Abingdon Road, London, W8 6AF

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

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Reasons for Refusal

The proposed additional storeys would disrupt an existing roofline unimpaired by extensions, and would be detrimental to the character and appearance of this group of properties (Nos. 2 - 14 Abingdon Road) and to the character and appearance of this part of the Conservation Area. As such, the proposal is contrary to policies of the Unitary Development Plan, in particular, Policies CD25, CD38 (a), CD39 (b), CD44, CD48, CD49, CD52, CD53, CD54 and CD56.

Property

2, 4, 6 Abingdon Road, London, W8 6AF

Proposal

Erection of extension at roof level, and enlargement of rear extension, to provide additional ancillary accommodation to existing restaurant at No.2 and language school at Nos. 4 and 6.

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.

(47)

Planning Appeal

Trattoo Restaurant, 2 Abingdon Road and 4 & 6, Abingdon Road, Kensington, London, W8 6AF

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Contents

1. Planning Appeal Statement
2. Planning Application
3. Additional Documents Submitted/Discussed with Local Planning Authority
4. Planning Committee Reports/Agendas
5. Letters of Support
6. Applicants' Letters

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1. Planning Appeal Statement

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Planning History

WCEC Architects act for Idealgold Restaurants and have made various Planning Applications on their behalf with regard upgrading and extending the premises at Abingdon Road.

Planning Approvals have been gained for remodelling the facade at ground floor and for altering the external duct work, by omitting the four original ducts to the gable wall and replacing with two unit only (TP/98/0445).

Planning Application was made on 4th March 1998, registered on 10th March 1998 under planning reference TP/98/0446 and TP/98/0445.

The latter related to the ground floor facade and extract ventilation which was approved on 29th December 1998.

Planning Application 0446 was refused on 10th September 1999 after inordinate delays (18 months after submission) and protracted discussions at various times.

Following on from this further discussions were held with the Planning Department indicating that a revised scheme would be submitted and that this would be further considered by the Local Planning Authority.

A further Application was submitted on the 8th December 1999 and registered on 14th December 1999 under planning reference PP/99/02518.

The Application was refused on 12th May 2000.

The buildings are not Listed.

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Reasons for Extension

The premises have been a restaurant since the 1960s in their present form and during that period have become a well established and noted restaurant.

During this period various changes have taken place in terms of space available to the operator, previously kitchens were utilised in the adjoining basement to number 4, but due to legal changes had to all be relocated back to number 2. Further requirements due to Health & Safety at work practices requiring staff facilities etc., which have developed over the years putting further pressure on the space available within the building.

In order to develop the restaurant and maintain its high standard both in terms of service offered to customers and its operation as a business further rationalisation is essential.

Upgraded staff facilities together with storage and ancillary office accommodation are required to be organised properly in the upper parts of the building.

It has been acknowledged by all that the above is a definite requirement and that the proposals put forward do not represent an unnecessary or over development of the existing building. This is confirmed in the Officer's Report to committee dated 9th May 2000, paragraph 4.8 to 4.15.

Design and Planning Policy

There is a tremendous amount of support, from individuals, neighbours, businesses and Local Authority representatives past and present.

Letters of support are appended together with the applicant's own letter demonstrating their concerns and frustration.

During the course of the two applications the concerns of the Local Planning Authority have been addressed. Indeed, at various times they have acknowledged support for the application (and furthermore encouraged the second submission) in terms of its requirement to sustain and improve this family business and the sensitive approach to the form and scale of the proposal.

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There are 7 properties which form the terrace. They fit into a street which has a great many varying styles, form and scale. Adjoining buildings are generally at least one storey higher providing a diverse roof shape and skyline.

This terrace is in fact subdivided with the parapet and window lines and importantly at street level their shop fronts broken by a step down between Nos. 6 and 8. This effectively breaks the line into two elements. Nos. 2, 4, 6 and then 8, 10, 12 and 14.

It is for this reason that the proposal has been related to all three properties to maintain the coherence of their appearance.

The effect that this has on the street scene is the key issue, - the Local Planning Authority have offered support at Officer level, with the proposal being modified to minimise its impact and take account of their considerations.

Planning Policy (CD38, CD39) has been developed to disallow arbitrary and Ad Hoc additions and alterations to the roof-scape which would clearly interrupt the roof line and generally be detrimental to street views.

However, in this instance the particular construction of these properties, whereby a London valley pitch roof drains to a central gutter, is completely concealed behind a 1500mm high parapet wall to front and rear and of course to the gable of No. 2. Party wall parapets and chimney stacks then rise further above this line.

The party wall and parapet walls remain, the pitched roofs to Nos. 4 and 6 have been removed previously. These properties also have various rear extensions including an enclosed stair tower.

The proposed form construction and materials accord with that of the existing buildings and their neighbours.

The contention is that the proposal does not have a material effect on the view of these properties nor that of the street and therefore is not contrary to Planning Policy.

To demonstrate this the photographs and cross section drawing (refer to 3.11) clearly show what little impact or visual significance the proposal actually has. This is in stark contrast to actual positive significance it will have on the appellant's business which must be considered paramount to the history vitality and integrity of the area.

APPEAL NOTIFICATIONS

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REFERENCE NUMBER:

SITE ADDRESS:

PLEASE TICK RELEVANT BOXES AND RETURN SAME DAY TO:

APPEAL REGISTRATION OFFICER

AREA ADMIN. OFFICER

WARD COUNCILLORS

I.

II.

III.

KENSINGTON SOCIETY

CHELSEA SOCIETY

LOCAL AMENITY SOCIETIES. PLEASE SPECIFY

I. *Edwardes Square, Scarsdale + Abingdon Association*

II.

III.

ALL THOSE ORIGINALLY NOTIFIED

ALL OBJECTORS/SUPPORTERS

OTHERS. PLEASE SPECIFY

NEW APPEAL

DATE: 12.6.00

TO: ROY THOMPSON /

DEREK TAYLOR

PAUL KELSEY /

BRUCE COEY

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

2-6 Abingdon Rd. W8

THE APPEAL FILES ARE ATTACHED

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

JT

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

♦ WRITTEN REPRESENTATIONS

♦ HEARING

♦ PUBLIC INQUIRY

N.B. The appellant has requested Written Reps / a Hearing / an Inquiry. The appellant has the right to be heard. If the appellant wants a Hearing and you choose Written Reps, this may result in an Inquiry. If the appellant requests an Inquiry and you would prefer a Hearing, a letter outlining reasons why will normally be required.

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

THANK YOU



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
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref:
PP/99/02518/MNW/17/2051

Our Ref:
APP/K5600/A/00/1044495

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13 June 2000

RECEIVED BY PLANNING SERVICES							
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK
59 16 JUN 2000							
ISS	IO	REC	ARB	FWD PLN	CON DES	FEES	

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY IDEAL GOLD RESTAURANTS
SITE AT 2,4,& 6 ABINGDON ROAD, KENSINGTON, LONDON**

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.

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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. G. G. G. G.

PP

Mr D Shorland
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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.

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Planning obligations – section 106 agreements

A planning obligation, often referred to as a section 106 agreement, is either a legal agreement made between the LPA and a 'person interested in the land', or a legally binding undertaking signed unilaterally by a person 'interested in the land'.

If you intend to rely on an obligation made under section 106 and your appeal is being dealt with by written representations, we must receive a completed, signed and dated copy before the date of the site visit.

If your appeal is being dealt with by a hearing or inquiry, we must receive a final draft of the obligation 5 working days before the hearing or inquiry opens. Obligations should be completed by the close of the hearing or inquiry.

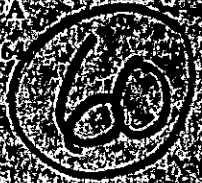
An Inspector will not normally delay the issue of a decision to wait for the completion of an obligation.

RECEIVED IN PINS/AA

26 JUN 2000



ROYAL BOROUGH OF KENSINGTON AND CHELSEA
THE TOWN HALL KENSINGTON W8 7EN TEL: 020 8997 5466



K/S600/A/00/100/15

22 June 2000

Sir,

I write as councillor for the local ward. I have argued for this application at committee because the restaurant is a local amenity with local support. The additional mansard would not be seen from the street or from behind. This part of the street is largely commercial and derives its character from a variety of architectural styles on the broad Victorian terrace principle. The committee rejected the application solely on the grounds of not wanting to create a precedent, which could cause more damage elsewhere, and I have sympathy with this view too. Perhaps the appeal could be allowed as a one-off.

Yours sincerely,

Cllr Dr Jonathan Munday
Abingdon Ward, RB K&C

POOR QUALITY
ORIGINAL



The Planning Inspectorate

DT

Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ

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

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Ms H Divett
Kensington And Chelsea R B C
Dept Of Planning & Conservation
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref:
PP/99/02518/MNW/17/2051

Our Ref:
APP/K5600/A/00/1044495

30 June 2000

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY IDEAL GOLD RESTAURANTS
SITE AT 2,4,& 6 ABINGDON ROAD, 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 appellants agent.

Yours faithfully

D Shorland

Mr D Shorland

211A

RECEIVED BY PLANNING SERVICES								
EX DIR	HDC	N	C	SW	SE	ENF	AO ACK	
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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

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**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

Department of the Environment,
Transport and the Regions,
Room 1003, Tollgate House
Houlton Street
Bristol BS2 9DJ

Switchboard: 020-7937-5464

Direct Line: 020-7361-2057

Extension: 2057

Facsimilie: 020-7361-3463

Date: 5 July 2000

My Ref: DPS/DCC/PP/99/02518/DT

DETR's Reference: App/K5600/A/00/1044495

Please ask for: Mrs. P. Abdelrahman

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 2, 4, 6 Abingdon Road, London, W8 6AF

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.

File Copy

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**THE ROYAL BOROUGH OF
KENSINGTON & CHELSEA**

2, 4, and 6 ABINGDON ROAD, KENSINGTON W.8

KENSINGTON W8

Statement by the Royal Borough Of Kensington and Chelsea, relating to the appeal by Ideal Gold Restaurants under Section 78 of the Town and Country Planning Act 1990 against this Council's refusal of planning permission for the erection of an additional storey at third floor level on all three properties and for the erection of a rear extension at second floor and second mezzanine level on no.2.

This appeal is to be decided using the Written Representations procedure

DoE ref. APP/A/00/K5600/1044495

LPA ref. PP/99/2518

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CONTENTS

(A) Statement of Case

- 1. Site Description**
- 2. Summary of the development to which the appeal relates**
- 3. Relevant Planning History**
- 4. Planning Policy Background**
- 5. Unitary Development Plan Policy**
- 6. The Council's Case**
- 7. Comments upon the submitted grounds of appeal**
- 8. Conclusions**

Appendices

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(B) Appendices

- 1) **Location Map**
- 2) **Notice of Refusal of Planning Permission dated 12th May 2000,
(Ref. PP/99/2518)**
- 3) **Report to the Planning Services Committee on 2nd September
1999 (Ref. TP/98/0446**
- 4) **Notice of Refusal of Planning Permission, dated 10th September
1999 (Ref. TP/98/0446)**
- 5) **Report to the Planning Services Committee on 9th May 2000
(Ref. PP/99/2518)**

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1.0 SITE DESCRIPTION

- 1.1 Nos. 2, 4 and 6 Abingdon Road are four storey (including basement) mid (Nos. 4 and 6) and end of terrace (No. 2) properties on the west side of Abingdon Road, approximately 40 metres south of its junction with Kensington High Street. The properties form part of a terrace which appears to have survived from the first quarter of the C19th.
- 1.2 The authorised use of the basement and ground floors of No. 2 is as a restaurant (Class A3), whilst the lawful use of the first and second floors would appear to be for purposes ancillary to the restaurant. The authorised use of Nos. 4 and 6 is as a language school (Class D1).
- 1.3 The properties are not Listed, but they are within the Edwardes Square, Scarsdale and Abingdon Conservation Area.
- 1.4 A location plan is included at Appendix (1).

2.0 SUMMARY OF THE DEVELOPMENT TO WHICH THE APPEAL RELATES

- 2.1 This appeal is lodged under Section 78 of the Town and Country Planning Act 1990 (as amended) against the refusal of planning permission for the erection of an additional storey at third floor level on all three properties and for the erection of a rear extension at second floor and second mezzanine level on no.2.
- 2.2 The additional storey to No. 2 would provide additional office floorspace ancillary to the restaurant, whilst the additional storeys to Nos. 4 and 6 would provide additional floorspace for the language school. The rear extension to No. 2 would provide floorspace for a WC and a store room.
- 2.3 The proposed additional storeys take the form of mansard roofs set behind the existing front parapet of each property, and set behind a raised parapet at the rear. The mansard roofs would be clad in slate and feature dormer windows to the front and back.
- 2.4 The proposed rear extensions would be constructed in stock brickwork.
- 2.5 No increase to the restaurant seating space is proposed.
- 2.4 A copy of the Notice of Refusal, dated 12th May 2000, is included at Appendix (2).

3.0 RELEVANT PLANNING HISTORY

- 3.1 Planning permission for the use of the ground floor and basement of No. 2 as a restaurant (Class A3) was granted 1962. Use of the first floor as a restaurant (Class A3) was refused, also in 1962.
- 3.2 Personal planning permission was granted for the use of Nos. 4 and 6 as a language school in 1971. An extension at the rear for an additional classroom was granted in 1997.
- 3.3 In December 1998 planning permission was granted for the installation of a new shopfront and the erection of a new extract duct in place of existing extract ducts at No. 2 Abingdon Road.
- 3.4 On 10th September 1999 planning permission was refused (ref. TP/98/0446) for the erection of rear extensions and a mansard roof extension to nos 2, 4 and 6. The Committee Report and Notice of Refusal are enclosed as Appendices (3) and (4). The appeal application forms a variation on this refused proposal, with amendments and reductions to both the rear extension and the roof extension.
- 3.5 The appeal application was presented to the Planning Services Committee on 9th May 2000. The Report to the Committee is enclosed as Appendix (5).
- 3.6 The Reason For Refusal is:

The proposed additional storeys would disrupt an existing roofline unimpaired by extensions, and would be detrimental to the character and appearance of this group of properties (Nos. 2 - 14 Abingdon Road) and to the character and appearance of this part of the Conservation Area. As such, the proposal is contrary to policies of the Unitary Development Plan, in particular, Policies CD25, CD38 (a), CD39 (b), CD44, CD48, CD49, CD52, CD53, CD54 and CD56.

4.0 PLANNING POLICY BACKGROUND

- 4.1 The Unitary Development Plan (the UDP) for the Royal Borough, was formally adopted on 28th August 1995, as the Statutory Plan for the Borough for the next ten years. The UDP is the Development Plan for the Borough for the purposes of Section 54A of the Town and Country Planning Act 1990, as amended.
- 4.2 The Unitary Development Plan is currently undergoing it's mid-term review. The Proposed Alterations to the Unitary Development Plan have been approved by the Council, been out to consultation, and are finally to be examined at a Public Inquiry scheduled to commence in January 2001.

- 4.3 The Proposed Alterations to the Unitary Development Plan are material considerations in determining the appeal proposals, and appropriate weight should be accorded to them.
- 4.4 Where Unitary Development Plan policies are referred to in this Statement, any relevant Proposed Alterations will be referred to as well.
- 4.5 Other relevant documents are Circulars, Planning Policy Guidance Notes, and other advice from Central Government, and the statutory framework provided by the Town and Country Planning Act 1990, and the Planning and Compensation Act 1991 which places an emphasis on the need to meet the requirements of the Development Plan.
- 4.6 Attention is drawn to Section 54A of the Town and Country Planning Act 1990, as inserted by Section 16 of the Planning and Compensation Act 1991, which stipulates that planning decisions should be taken in accordance with the Development Plan unless material considerations dictate otherwise.

5.0 UNITARY DEVELOPMENT PLAN

5.1 The current status of the Unitary Development Plan (UDP) has been established above. The relevant planning policies are contained within the “Conservation and Development”, “Shopping”, and “Transportation” Chapters. The relevant policies are set out below in full in their adopted form, with any relevant Proposed Alterations set out immediately afterwards.

5.2 The Unitary Development Plan Policies specifically listed in the Reason for Refusal are:

CD25, CD38 (a), CD39 (b), CD44, CD48, CD49, CD52, CD53, CD54 and CD56.

5.3 Policy CD25 is relevant to all proposals for development in the Royal Borough, being:

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

5.4 Policy CD38 is:

NORMALLY TO RESIST ADDITIONAL STOREYS AND ROOF LEVEL ALTERATIONS ON:

(a) COMPLETE TERRACES OR GROUPS OF BUILDINGS WHERE THE EXISTING ROOF LINE IS UNIMPAIRED BY EXTENSIONS, EVEN WHEN A PROPOSAL INVOLVES ADDING TO THE WHOLE TERRACE OR GROUP AS A CO-ORDINATED DESIGN;

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(b) BUILDINGS OR TERRACES THAT ALREADY HAVE AN ADDITIONAL STOREY OR MANSARD;

(c) BUILDINGS THAT INCLUDE A ROOF STRUCTURE OR FORM OF HISTORIC OR ARCHITECTURAL INTEREST;

(d) BUILDINGS WHICH ARE HIGHER THAN SURROUNDING NEIGHBOURS;

(e) BUILDINGS OR TERRACES WHERE THE ROOF LINE OR PARTY WALLS ARE EXPOSED TO LONG VIEWS FROM PUBLIC SPACES, AND WHERE THEY WOULD HAVE AN INTRUSIVE IMPACT ON THAT VIEW OR WOULD IMPEDE THE VIEW OF AN IMPORTANT BUILDING OR OPEN SPACE BEYOND;

(f) BUILDINGS WHICH, BY THE NATURE OF THE ROOF CONSTRUCTION AND ARCHITECTURAL STYLE ARE UNSUITABLE FOR ROOF ADDITIONS, E.G. PITCHED ROOFS WITH EAVES;

(g) MANSION BLOCKS OF FLATS WHERE AN ADDITIONAL STOREY WOULD ADD SIGNIFICANTLY TO THE BULK OR UNBALANCE THE ARCHITECTURAL COMPOSITION;

(h) TERRACES WHICH ARE ALREADY BROKEN ONLY BY ISOLATED ROOF ADDITIONS.

5.5 Policy CD39 should be read with CD38, and is:

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

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

(b) THE ALTERATIONS ARE ARCHITECTURALLY SYMPATHETIC TO THE AGE AND CHARACTER OF THE BUILDING.

In the Proposed Alterations to the UDP, Policy CD39 (b) is amended to read:

(b) THE ALTERATIONS ARE ARCHITECTURALLY SYMPATHETIC TO THE AGE AND CHARACTER OF THE BUILDING, AND WOULD NOT HARM ITS APPEARANCE

5.6 Policy CD44 is:

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

5.7 Policy CD48 the first of a number of Policies specifically aimed at controlling development within Conservation Areas, being:

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

5.8 Policy CD49 is:

TO ENCOURAGE AND CONTRIBUTE TO THE IMPROVEMENT OF THE ENVIRONMENT OF CONSERVATION AREAS

5.9 Policy CD52 is :

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

5.10 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

5.11 Policy CD54 is:

TO CONSIDER THE EFFECT OF PROPOSALS ON VIEWS IDENTIFIED IN THE COUNCIL'S CONSERVATION AREA PROPOSALS STATEMENTS, AND GENERALLY WITHIN, INTO, AND OUT OF

CONSERVATION AREAS, AND THE EFFECT OF DEVELOPMENT ON SITES ADJACENT TO SUCH AREAS

5.12 Policy CD56 is:

NORMALLY TO RESIST UNSYMPATHETIC SMALL-SCALE DEVELOPMENTS WHERE THE CUMULATIVE EFFECT OF A NUMBER OF SIMILAR PROPOSALS WOULD BE DETRIMENTAL TO THE CHARACTER OF THE AREA

5.13 There are other UDP Policies relevant to the appeal proposal, but which have not been specified in the Reason for Refusal. These Policies are not specified because it is considered that the proposal complies with them. The most relevant of these are Policies CD41 (rear extensions) and S13 (restaurants and extensions to restaurants), and SC10 (education uses).

5.14 Policy CD41 is:

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 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).

In the Proposed Alterations to the UDP two further criteria are added to Policy CD41. These are:

(j) THE EXTENSION WOULD BREACH THE ESTABLISHED FRONT BUILDING LINE

(k) AN IMPORTANT OR HISTORIC GAP OR VIEW WOULD BE BLOCKED OR DIMINISHED

5.15 Policy S13 is relevant to consideration of the additional ancillary floorspace to the restaurant. The Policy is:

OTHER THAN IN PRINCIPAL SHOPPING CENTRES TO RESIST THE DEVELOPMENT OF RESTAURANTS, PUBLIC HOUSES, SNACK BARS, CAFES, WINE BARS AND SHOPS FOR THE SALE OF HOT FOOD WHERE THIS WOULD RESULT IN:

(a) ANY SIGNIFICANT REDUCTION IN AN AREA'S RESIDENTIAL CHARACTER AND AMENITY INCLUDING BY SMELLS OR LATE NIGHT NOISE; OR

(b) SIGNIFICANT INCREASE IN TRAFFIC OR PARKING ; OR

(c) THE LOSS OF USABLE RETAIL SPACE

A number of amendments are proposed to policy S13 in the proposed amendments to the UDP. The new policy is proposed to be:

TO RESIST THE DEVELOPMENT OF RESTAURANTS, PUBLIC HOUSES, SNACK BARS, CAFES, WINE BARS AND SHOPS FOR THE SALE OF HOT FOOD...

ENVIRONMENTAL CRITERIA

WHERE THE PROPOSAL IS LIKELY TO CAUSE:

(a) ANY MATERIAL REDUCTION IN RESIDENTIAL CHARACTER OR AMENITY INCLUDING BY SMELLS OR LATE NIGHT NOISE; OR

(b) MATERIAL INCREASE IN TRAFFIC OR PARKING ; OR

RETAIL CHARACTER AND FUNCTION CRITERIA

(c) WOULD RESULT IN THE LOSS OF USABLE RETAIL SPACE; OR

(d) RELATES TO PREMISES WHICH ARE ADJACENT TO TWO OR MORE ADJOINING UNITS AT GROUND FLOOR LEVEL IN CLASS A3 USE

5.16 Policy SC10 is relevant to the proposed increase in space of the language school. This Policy is:

TO RESIST ANY PROPOSAL FOR EDUCATION AND TRAINING FACILITIES UNLESS INTENDED TO PROVIDE PRIMARILY FOR LOCAL NEEDS, OR MADE ON BEHALF OF AN ESTABLISHED INSTITUTION OF NATIONAL SIGNIFICANCE

5.17 The Conservation Area Proposals Statement (CAPS) is of no assistance in determining this application. The CAPS categorises various terraces in the Conservation Area as to their suitability for additional storeys; however, the terrace of buildings including the appeal properties are simply not categorised. Therefore, proposals for additional storeys remain to be determined upon their merits, according to the relevant Policies of the development plan.

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

6.1 The Council considers the main considerations to be (1) the impact of the increase in ancillary restaurant and language school floorspace, and their acceptability in terms of the relevant Policies on such uses, (2) the effect of the proposed additional storeys and rear extensions on the character and appearance of the Conservation Area, and (3) the impact of the proposals upon the levels of amenity currently enjoyed by neighbouring residential properties.

6.2 The recent history in terms of the 1998 planning application is also relevant as the appeal application was submitted in an attempt to address the concerns raised by the Council in that regard.

The Increase in Ancillary Restaurant and Language School Floorspace

6.3 The increase in ancillary restaurant floorspace is considered acceptable, since no increase in restaurant covers is proposed. The additional floorspace is for office and

storage purposes only. It is not considered that there is any conflict with Policy S13, as adopted or as Proposed to be Altered..

- 6.4 No information has been provided in the application in respect of the increase in floorspace for the language school. Therefore, no proper consideration of this issue can be undertaken. It is not possible to say that Policy SC10 is complied with, although there is no evidence on Council records to indicate that it would not be. There is no record of complaint with regard to noise or other disturbance from the existing language school.

The proposed rear extension

- 6.5 Policy CD41 of the Unitary Development Plan (set out above) lays down the criteria against which rear extensions should be evaluated.

- 6.6 In general terms, rear extensions should always be subservient to the scale of the parent building, in terms of their height, width, and depth (projection). It should be noted that the previous application from the appellant (TP/98/0446) was refused in part on the ground that it failed to satisfy the criteria of Policy CD41.

- 6.7 The appellant has reduced the scale of the rear extension previously proposed, and refused. The extension proposed in the current appeal application would rise to mezzanine level between the second and third floors, across most of its width, and one section of extension (only half its width) is taken up to third floor height. At lower levels the rear extension would amount to a full width extension, although not at the top level.

- 6.8 As the rear extension in this amended application would not rise to full height, or be full width at higher level, it is concluded that it would not raise objection in terms of Policy CD41 or be detrimental to the character and appearance of this part of the Conservation Area.

- 6.9 It is not considered that the proposed rear extension would have a significant effect on the levels of amenity currently enjoyed by residents of neighbouring properties.

The proposed additional storeys

- 6.10 Policies CD38 and CD39 of the Unitary Development Plan, which should be read as a pair, set out the criteria against which additional storeys should be considered.

- 6.11 The principle of additional storeys is not established in this section of the terrace (Nos. 2 -14 Abingdon Road). Each property features a basement, ground, first and second floor, with none of them featuring any form of additional storey. Since the existing roofline is unimpaired by extensions, the principle of additional storeys on this group of properties is contrary to Unitary Development Plan policy, and, therefore, unacceptable.

- 6.12 Abingdon Road is characterised by its composition of buildings of differing scale, and architecture, and this variation provides an important contribution to the character and appearance of the Conservation Area. Mansard roofs are not a

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characteristic feature of this part of the Conservation Area. The Council does not accept the principle of building up the lower groups of buildings in Abingdon Road, to approach or match the existing taller buildings, as this would progressively diminish the existing contrast and, hence, diminish the character of the street and this part of the Conservation Area.

- 6.13 It is considered that these seven properties in their original form, unimpaired by extensions, contribute positively to the character and appearance of this part of the Conservation Area. The proposed additional storeys would harm this original form and uniformity, and, as such, they would be contrary to Policy CD38 (a) and CD39 of the UDP.
- 6.14 The appeal proposal has had its roof extension reduced in height from that forming the subject of the 1999 refusal. The mansard roof now proposed would not be visible from Abingdon Road immediately opposite the properties, but would be visible from the North, from the corner with Kensington High Street. detrimental to the character and appearance of this part of the Conservation Area. Clearly, the roof extension would also be visible from a large number of surrounding properties. Despite the appellants efforts to reduce the height and visibility of the proposed roof, it is clear that the proposed mansard roofs would appear significantly bulkier when viewed from Kensington High Street. Further, the loss of the chimney stack and breaking of the parapet wall of no.2 are considered harmful, to the appearance of the building to the skyline of the terrace, and to the character and appearance of the Conservation Area. It is not known how the party wall might need to be raised to accommodate the mansard roof.
- 6.15 Despite the appellants efforts to reduce the visibility of the extension, it is concluded that it would still be enough in evidence so as to affect, and harm, the appearance of the group of buildings and the character and the appearance of the Conservation Area. As such, the additional storey would be contrary to Policies CD25, CD38 (a), CD39 (b), CD44, CD48, CD49, CD52, CD53, CD54 and CD56.
- 6.16 To the south of these seven properties is a former presbytery building, now in residential use, which features a third floor and to the south of that is Ilchester Mansions, a mansion block featuring both third and fourth floors. However, these two properties are of a very different architectural character and size to Nos. 2-14 Abingdon Road, and, therefore, are not considered to represent any form of justification for the erection of additional storeys on Nos. 2-14 Abingdon Road, a terrace of properties with its own architectural integrity.
- 6.17 The detailed design of the front of the three proposed additional storeys is considered satisfactory, as is the detailed design of the rear of No. 6 Abingdon Road. Primarily, it is the principle rather than the detail of the proposed roof extension that raises objection.
- 6.18 Even if the principle is accepted, however, a n important detailed point does remain. This concerns the raised stair at the rear of no.2, where it is proposed to create an extension rearwards across what should be the rear gutter between the mansard slope

and parapet wall. The stairs are continued back to the line of the parapet, with the gutter running only 2/3 of the width of no.2 (as seen on 3rd/roof plan on drawing 02D) resulting in an unwelcome obstruction within the mansard slope. This is considered to be a harmful feature in design terms, and would thus conflict with Policies CD44 and CD53 (c).

Other Considerations

- 6.19 There are no implications in terms of sunlight/daylight in this case.
- 6.20 It is recognised that the Trattio Restaurant is an important local business that contributes to the vitality of the local area. It is also recognised that the staff facilities for the restaurant are cramped and poorly arranged. The Council is sympathetic to the needs of this established local restaurant, and would seek to help them in their predicament within the bounds of adopted local Policies. However, it is not considered that these needs represent sufficient justification for allowing additional storeys that would be directly contrary to Unitary Development Plan policy and detrimental to the character and appearance of the Conservation Area.
- 6.21 It is also acknowledged that the applicant has carried out considerable modifications to the scheme following this Council's refusal of the previous application. The previous application involved rear extensions right up to roof level with the mansard storey actually projecting out over the rear extensions, and in comparison with that proposal the development presently proposed is much improved. The rear extension, and detailed design of the additional storey, are now considered acceptable as a result of the amendments made by the applicant. However, whilst these improvements are to be welcomed in themselves, it is concluded that the objection in principle to the additional storey must remain.

7.0 COMMENTS UPON THE APPELLANT'S GROUNDS OF APPEAL

- 7.1 The appellants have provided supporting text to the appeal over pages numbered 4 to 6 of their bound statement. In the absence of paragraph numbers, the Council's responses refer to the appellant's page number and identify the relevant paragraph on each page.

Page Four

- 7.2 No comments upon the history as set out in this section.

Page Five

- 7.3 First to Fifth Paragraphs - It is clear that as the restaurant has gradually built up its local reputation, which is clearly excellent, and as health and safety requirements have also become more stringent over the years, so the need for the restaurant to improve its internal administrative arrangements. As stated in the main body of the Council's Statement, this Council is aware of the cramped conditions within the premises and the fact that any meaningful improvement in this regard must mean some form of extension to the premises. The Council has attempted to at least help in

accommodating this by identifying and discussing with the appellants the maximum acceptable extent of rear extension that could be accommodated within the terms of planning policies. However, the appellant's need for extension remains only one of the material considerations to be applied to the appeal proposals.

- 7.4 Sixth and Seventh Paragraphs - The Council acknowledges that there is a large amount of support locally for the restaurant. The restaurant has built up a good client base locally and the good reputation is doubtless well deserved. The Council has taken this support (and the absence of objections) in reaching the conclusion that planning permission should, nevertheless, be refused.
- 7.5 Final Paragraph - At no time has the planning authority "acknowledged support" for the appeal application or its predecessor. The Officer recommendation in each case was the planning permission should be refused, and the Planning Services Committee agreed with the recommendation in each case. Officers, and the Committee, have offered "acknowledged support" for the requirements of the appellant, but only third parties have offered support for the application *per se*.
- 7.6 The Planning Services Committee did advise, publicly at their meeting of September 1999, that if the application was amended to (1) reduce the scale of the rear extension then proposed and (2) delete the additional storey, then they might find such an amended proposal acceptable. The Case Officer continued with this line in ensuing discussions, encouraged a second submission to incorporate this advice, and the amendments to the rear extension are welcomed. The height of the additional storey was also reduced from the 1998 application, which is, again, welcomed in itself. However, planning objection remains to the principle, and detail, of the proposed additional storey.

Page Six

- 7.7 First Para. - It is correct that Abingdon Road is characterised by many varying styles, form and scale. It is precisely this variation that gives the street its character. To reduce this variation by building up the lower buildings to match the higher ones, and creating longer uniform rooflines, would, the Council submits, reduce the character of the street and reduce the contribution made by the street to the character and appearance of the Conservation Area.
- 7.8 Third para. - The result of the proposal would be that three out of the seven properties in the terrace would have an additional storey. As the seven do not presently have any additional storeys, the proposal is contrary to Policies CD38 and CD39 of the UDP.
- 7.9 Fourth Para. - As discussed in the main body of this Statement, the appellants' amendments are welcomed and have certainly improved the proposed scheme. Notwithstanding these amendments, the principle and detail of the additional storey still presents objections in terms of planning policies.
- 7.10 Final two Paras. - The Council maintains that the additional storey is contrary to adopted development plan policies, and will harm the character and appearance of the

Conservation Area. The benefit to the operation of the appellant's restaurant business are not considered to outweigh this objection.

8.0 CONCLUSIONS

- 8.1 It is concluded that the proposed additional storey would add a storey to part of a run of seven properties that, at present, do not have storeys at this level, and that the proposed additional storey would harm the character and the appearance of this part of the Conservation Area.
- 8.2 It is concluded that, whilst development proposals must clearly be determined upon their merits, the approval of an additional storey to these three properties, in exception to Policy CD38 (a), would result in similar proposals for other lower buildings in Abingdon Road being increasingly hard to resist. This would be to the cumulative harm of the character and appearance of Abingdon Road and the Conservation Area.
- 8.3 It is not considered that there are any material considerations that would justify the granting of planning permission as an exception to the relevant development plan policies.
- 8.4 It is concluded that there are sound and justifiable reasons why planning permission should not be granted for the development to which the appeal relates.
- 8.5 Therefore, the Secretary of State is respectfully requested to refuse planning permission and dismiss this appeal.
- 8.6 In the case that the Inspector decides that planning permission should be granted, the Council would like to recommend the following Conditions:
- 1) **The development hereby permitted shall be begun before the expiration of five years from the date of this permission.**
Reason - As required by Section 91 of the Town and Country Planning Act 1990, to avoid the accumulation of unexercised Planning Permissions
 - 2) **The roof slope(s) of the building(s)/extension hereby permitted shall be clad in natural slates, and so maintained.**
Reason - To preserve and enhance the character and appearance of the Conservation Area.
 - 3) **All work and work of making good shall 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 unless otherwise approved by the Executive Director, Planning and Conservation in writing.**
Reason - To preserve and enhance the character and appearance of the Conservation Area.

PLANNING AND CONSERVATION

THE TOWN HALL HORNTON STREET LONDON W8 7NX

Executive Director M J FRENCH FRICS Dip TP MRTPI Cert TS

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**THE ROYAL
BOROUGH OF**



**KENSINGTON
AND CHELSEA**

WCEC Architects,
New Barn Stables,
New Barn Lane,
Henfield, West Sussex,
BN5 9SJ

Switchboard: 020-7937-5468
Direct Line: 020-7361-2058
Extension: 2057
Facsimile: 020-7361-3463

Date: 5 July 2000

My Ref: DPS/DCC/PP/99/02518/DT

DETR's Reference: App/K5600/A/00/1044495

Please ask for: D. Taylor

Dear Sir/Madam,

TOWN AND COUNTRY PLANNING ACT 1990

Appeal relating to: 2, 4, 6 Abingdon Road, London, W8 6AF

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.

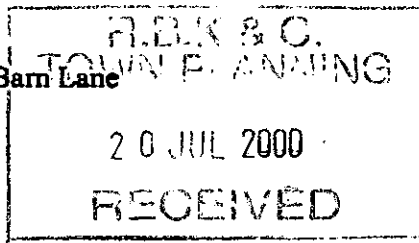
Idealgold Restaurants

The good taste of Italy

Head Office : 2 Abingdon Road London W8 6AF
Telephone +44 (0) 207 376 0617 Fax + 44 (0) 207 937 5345

WCEC ARCHITECTS			
GRS		18 JUL 2000	JPN
			REF
ACTION			

Mr Gavin Sargent
WCEC Architects
New Barn Stables, New Barn Lane
Henfield, West Sussex
BN5 9SJ



18th July 2000

Dear Mr Sargent,

Please find enclosed some of my observation on the Council statement which on some subjects I find very difficult to believe and accept and refer to:

THE UNITARY DEVELOPMENT PLAN

4.2 Could it be that it is presently being recognised that the U.D.P. mid term review in January 2001 is due to the sensible appreciation that such plan causes controversy hardship and stop progress? (PS 4.6) unless material considerations dictate otherwise!!!

5.3 N.B. Our immediate surroundings are full of highs and lows - mansards, voids and higeldy pigeldy precedents as our ward and ex Mayor of Kensington & Chelsea Cllr. Dr. J. Munday called it in our support during the hearing.

5.4 The Council interpretation stops updating, development and progress!!

5.15 LLDP. Permissions for many new developments have been granted in our area to large companies.

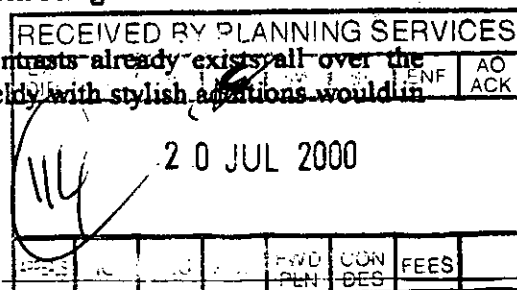
RETAIL CHARACTER AND FUNCTION CRITERIA

5.16 The teaching expansion and propagation of the English language and culture to foreign students at No 4 & 6 is of international leading and positive significance.

6.4 N.B. The language school has provided written information as requested by the Council that it proposes future one to one teaching and thereby avoid to increase the number of students.

6.11 Taking advantage of the valley roofs the mansards will not be visible from our road nor from the rear and is therefore acceptable and vital to survival in our ever-changing operational requirements as demanded by the latest legislation especially the hygiene and the Health & Safety Executive by which we are now often being harrassed.

6.12 Different scales mansards and often horrible contrasts already exists all over the borough and diminishing the contrasts and higeldy pigeldy with stylish adaptations would in many cases improve the area and the properties.



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6.13 Additional storey needed by all these seemingly amputated 2 to 14 properties would eventually improve all properties and business if elegantly built as most owners here applied for similar planning permission and were refused but did not appeal as unlike us could probably manage otherwise.....

6.14 This is not so, the mansard would not be visible from our road nor from the back and hardly noticeable from the High Street, the chimney stack is to stay and the rear parapet would be enclosed in the rear extension.

6.16 These higher properties everywhere especially at each end of our road are dwarfing and casting a shadow over all properties from 2 to 14 Abingdon Road.

6.18 This is not so, the rear stairs landing would rest on our store/toilet wall similar to the rear of No:6 and mostly within our rear extension at second floor level.

6.20 The extension is vital also for male & female staff amenities (as requested by the council Health & Safety Officers who do not really care about our predicament but expect us to comply regardless!!!).

6.21 Must inadequate theoretical principle come before the vital practical ever changing requirements of Health & Safety and the needs of the people???

COUNTER COMMENTS ON GROUND FOR APPEAL

7.0-7.6 It is very sad that in spite of the above, the Officers of our Royal Borough are only pretending to be helpful but they are out of touch with the vital needs of our times and the needs of the people to work and to live and sometimes they oppose each other and planning applications for political reasons.

7.7 Elegant extensions (which could be embellished as requested by the planners) with period baustrades, balconies & flower boxes similar to our first floor would not detract but improve our local properties.

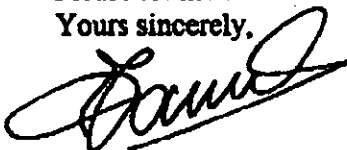
7.9 The planning policies I am told by planners are there to help the people but this is utterly false, they are only helping the easy life of some of the people who don't really care about others as these improvements (without considering their high cost) are vital to the needs of our male & female staff in compliance with the hygiene and Health & Safety requirements which should outweigh inappropriate theoretical objections.

CONSERVATION & DEVELOPMENT

C.D. 44 The external appearance of the building and the surrounding area would NOT be harmed.

Please let me know what you think.

Yours sincerely,



E. Taverna (Snr.)



The Planning Inspectorate

DT.

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
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref:
PP/99/02518/MNW/17/2051

Our Ref:
APP/K5600/A/00/1044495

24 July 2000

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY IDEAL GOLD RESTAURANTS
SITE AT 2,4,& 6 ABINGDON ROAD, KENSINGTON, LONDON**

I have received the correspondence dated 17 July 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

Mr D Shorland

211A

RECEIVED BY PLANNING SERVICES							
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27 JUL 2000						107	
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27 JUL 2000							
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The Planning Inspectorate

DT.
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Ms H Divett (Dept Of Planning & Conservation)
Kensington And Chelsea R B C
3rd Floor
The Town Hall
Hornton Street
London
W8 7NX

Your Ref: PP/99/02518/MNW/17/2051
Our Ref: APP/K5600/A/00/1044495
Date: 11 August 2000

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY IDEAL GOLD RESTAURANTS
SITE AT 2,4,& 6 ABINGDON ROAD, 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 F L Cross MRTPI FRSH

With reference to the above appeal the Secretary of State has arranged for the inspector to visit the appeal site at 14:15 on Thursday 7/9/2000 and you are requested to arrange for the inspector to be met at the site at 14:15 to enable the inspection to be made.

The inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the inspector will determine the most suitable course of action, which could mean that he will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

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

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the 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.

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Yours faithfully



Miss S Griffiths



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

209D



The Planning Inspectorate

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Room 1003
Tollgate House
Houlton Street
Bristol BS2 9DJ
<http://www.planning-inspectorate.gov.uk>

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

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

Your Ref: PP/99/02518/MNW/17/2051
Our Ref: APP/K5600/A/00/1044495
Date: 2 October 2000

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY IDEAL GOLD RESTAURANTS
SITE AT 2,4,& 6 ABINGDON ROAD, KENSINGTON, LONDON**

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

The attached leaflet explains the right of appeal to the High Court against the decision and how the documents can be inspected.

If you have any queries relating to the decision please send them to:

The Complaints Officer
The Planning Inspectorate
Room 14/04
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Phone No. 0117 987 8927

Fax No. 0117 987 6219

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Yours faithfully

P.
Mr D Shorland

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Appeal Decision

Site visit held on 7 September 2000

by F L Cross MRTPI FRSH

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

The Planning Inspectorate
Room 14/04
Tollgate House,
Houfton Street
Bristol BS2 9DJ
0117 987 8927

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Date

- 2 OCT 2000

Appeal Ref: APP/K5600/A/00/1044495
2, 4 and 6 Abingdon Road, Kensington W8

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal of planning permission.
- The appeal is made by Ideal Gold Restaurants against the decision of the Council of the Royal Borough of Kensington and Chelsea.
- The application, Ref.No.PP/99/02518, dated 8 December 1999 was refused by notice dated 12 May 2000.
- The development proposed is an extension at roof level to provide additional accommodation.

Summary of Decision: The appeal is dismissed.

Preliminary Points

1. The Council re-drafted the description of the development as the 'erection of extension at roof level, and enlargement of rear extension, to provide additional ancillary accommodation to existing restaurant at No.2 and the language school at Nos.4 and 6.' The Council's decision and this appeal relate to amended plans submitted to the Council on 26 April 2000.

The Main Issue

2. I consider that the main issue is whether the construction of an additional storey would comply with the requirements of Policy CD38(a) of the UDP and, if not, whether there are material considerations which would overcome the policy objection.

The Development Plan and other Planning Policies

3. The development plan is the Kensington and Chelsea Unitary Development Plan, adopted in August 1995 (UDP). The Council has drawn attention to 10 policies in the refusal notice and to additional policies in the appeal statement. I consider that the most relevant policies are CD38 and CD39 which address the circumstances in which additional storeys and roof level alterations are acceptable and Policy CD52 - Conservation Areas. Proposed Alterations to the UDP are at the stage prior to consideration at a Public Inquiry in January 2001. The Alterations are a material consideration and I note that it is proposed to add to Policy 39(b). *Planning Policy Guidance 1 - General Policy and Principles, (PPG1, February 1997)* and *Planning Policy Guidance 15 - Planning and the Historic Environment, (PPG15, September 1994)* are also relevant.

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Conservation Area

4. The site lies within the Edwards Square, Scarsdale and Abingdon Conservation Area and I have regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Background

5. No.2 Abingdon Street has been used as a restaurant since the 1960s. During this period, the Trattio Restaurant has been altered and extended but the ancillary spaces, particularly for staff amenities, are very cramped and they are stated not to meet current requirements. If the alterations and extensions are permitted, the public areas and the number of covers would remain unchanged. Nos 4 and 6 Abingdon Street are occupied by Canning, a language school providing training for business. The principle of enlarging and re-ordering both uses does not appear to conflict with the relevant policies of the UDP.
6. The plans submitted in April 2000 overcame a number of design objections and reduced the overall height of the proposed additional storey. It is my understanding that the Council accept that the design is now satisfactory, with the possible exception of the detail of the rear stair tower to No.2, but that the principle of adding a storey to the terrace is contrary to Policies CD38 and CD39.
7. The reasoned justification to Policies CD38 and CD39 draws attention to the adverse effect on the character and appearance of streets by the construction of additional storeys and roof level alterations. Policy CD38(a) seeks to resist additional storeys and roof level alterations on complete terraces or groups of buildings where the existing roof line is unimpaired by extensions. Such proposals are to be resisted even when the proposal involves adding to a whole terrace or group as a co-ordinated design. Policy CD39, which should be read with CD38, permits additional storeys where the character of a terrace or group has already been seriously compromised.

Reasons

8. Abingdon Street consists of a mixture of architectural styles and the buildings vary in height and character. Some buildings retain their original form, at least on the street elevation, while others have been substantially rebuilt or altered and extended. There are examples of mansard roofs and of other alterations and additions to the roof scape. However, Nos 2-14 form a terrace of 7 units of three storeys and basement dating from the early to mid nineteenth century which retain their original character and appearance. In particular, there are no visible roof extensions or additional floors. The block is in two distinct sections with a small break in level between Nos 6 and 8 but it reads as one unit and its height is in contrast to the significantly taller buildings which lie to the south.
9. No.2 still retains a roof incorporating a London valley gutter. Nos 4 and 6 have a replacement roof but in all three cases the original parapets completely enclose the roof areas. While the proposed mansard structure would not be visible from immediately opposite the site, it would be seen from further south in Abingdon Road; from the junction with Kensington High Street and from the courtyard entrance to Our Lady of

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- Victories RC Church. The alterations to the rear elevation and the roof structure would also be seen from the upper floors of several of the surrounding properties.
10. It is the appearance of the terrace in its setting which requires further examination. The Council accepts that its policies on additional storeys are restrictive. The objective of the policy is to retain the character and appearance of the remaining unspoilt terraces and groups and, in my opinion, this has merit particularly in conservation areas. In this case, the difference in height and character between the terrace of 7 units and the building beyond and opposite, is part of the character of this part of the conservation area. The addition of an extra storey in these circumstances would change the original scale and character contrary to the requirements of Policy CD38(a). The exceptions to Policy CD38 listed in Policy CD39 do not apply in this case. In my opinion, the proposed additions would not preserve or enhance the character or appearance of the Conservation Area and the requirements of Policy CD52 would not be met.
 11. Section 54A of the Act requires that an application for planning permission or an appeal shall be determined in accordance with the development plan unless material considerations indicate otherwise. I set against the policy objection, the obvious need of the restaurant for improved conditions for staff. The support for the restaurant is impressive. However, the Council has stated that some alterations and minor rear extensions to the property may be possible without breaching Policy CD38. I observed that a high percentage of the floor area of the upper floors is taken up with office space and filing. It may be possible to separate the administration of Ideal Gold Restaurants from the day to day running of the Trattio Restaurant and so free some existing space for staff accommodation. The balance of uses is, of course, a matter for the appellants but I am not convinced that all avenues have been explored and I do not consider that the need for additional accommodation overrides the Policy objection.

Conclusions

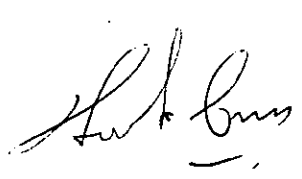
12. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

Formal Decision

13. In exercise of the powers transferred to me I dismiss the appeal.

Information

14. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.



INSPECTOR

TO: SEE DISTRIBUTION LIST

FROM: EXECUTIVE DIRECTOR OF
PLANNING &
CONSERVATION

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MY REF(S): PA/HD/PP/99/02518

YOUR REF:
SEE DISTRIBUTION LIST

ROOM NO: 324

EXTN: 2081

DATE: 3.10.00

TOWN AND COUNTRY PLANNING ACT, 1990

APPEAL 2, 4 + 6 ABINGDON ROAD, W8

I attach for your information a copy of the decision for the appeal on the above-mentioned premises.

EXECUTIVE DIRECTOR OF PLANNING AND CONSERVATION

DISTRIBUTION LIST:

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Planning Appeal

**Trattoo Restaurant, 2 Abingdon Road and 4 & 6, Abingdon
Road, Kensington, London, W8 6AF**
